



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Tenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice R.SUBBIAH

and

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP (MD) No.9366 of 2017

IN

CRL A (MD) No.409 of 2017

B.ANANDHAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VIRUVEEDU POLICE STATION,
DINDIGUL DISTRICT,
CR NO. 97/2013.

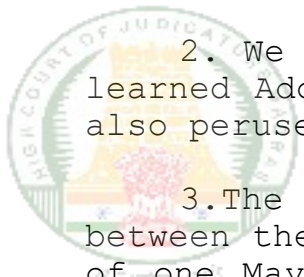
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to SUSPEND THE SENTENCE rendered by the Learned Principal Sessions Judge, Dindigul District, Dindigul in S.C No. 45/2016 dated 06.07.2017 as against the Petitioner/Appellant above named and enlarge the petitioner on bail pending disposal of the above Criminal Appeal and pass such further or other orders as this Honourable court may deem fit and proper in the above circumstances and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.KANNAN, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

(Order of the Court was made by **R.SUBBIAH, J**)

The petitioner/appellant is the sole accused in S.C.No.45 of 2016 on the file of learned Principal Sessions Judge, Dindigul District. He has been convicted for the offence under Section 302 IPC and sentencing him to undergo life imprisonment for life and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for one year. Challenging the said conviction and sentence imposed, the petitioner has come up with this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment imposed on him.



2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.

3. The case of the prosecution is that there was previous enmity between the deceased Murugan and the accused on account of the death of one Mayandi, who is the relative of the deceased Murugan. The accused is threatening the deceased continuously that his death would occur only by his hands at any time. Under such situation, on the date of occurrence on 16.09.2013, when the deceased was walking near the house of Singaraj in Post Office North Street, Theppathupatti, the accused shouted at him and had lifted him and thrashed him on the cement floor and caused his death.

4. The learned senior counsel for the petitioner submitted that even according to the case of the prosecution, the petitioner/accused has not used any weapon. The deceased was under the influence of alcohol at the time of occurrence. Moreover, the cement slab, on which, the accused said to have thrown the deceased was not recovered and sent for chemical analysis. Thus, the learned counsel for the petitioner submitted there is an ample chance for the accused getting acquittal in this case and prayed for suspending the substantive sentence of imprisonment.

5. The learned Additional Public Prosecutor vehemently oppose this petition for suspending the sentence.

6. Considering the facts and circumstances of the case and considering the fact that there are arguable points in favour of the petitioner, we are inclined to suspend the sentence of imprisonment alone imposed on the petitioner pending appeal.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner is directed to be enlarged on bail, on the following conditions:

The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Principal Sessions Judge, Dindigul District, Dindigul, and on further condition that the petitioner shall report before the committal Court at 10.30 a.m., on the first working day of every English Calendar Month, until further orders.

sd/-
10/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE PRINCIPAL SESSIONS JUDGE, DINDIGUL DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
VIRUVEEDU POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.M.KANNAN Advocate SR.No.34204

ORDER

IN

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IN

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Date :10/11/2017

MKV-PM-PN-SAR 3/13.11.2017/3P-6C