



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

Monday, the Thirtieth day of October 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.9738 of 2017
IN CRL A(MD) No.403 of 2017

RAMESH

... PETITIONER/APPELLANT/
ACCUSED No.3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PETTAI POLICE STATION,
CRIME NO.456/2012,
TIRUNELVELI DISTRICT

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence by granting bail in S.C.No. 105/2015 dated 24.08.2017 on the file of the IIIrd Additional Session Judge, Tirunelveli, Tirunelveli District pending disposal of Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.V.KARTHIRVELU, Senior Counsel for M/S.K.PRABHU, Advocate for the petitioner and of MR.C.MAYIL VAHANA RAJENDRAN, Additional Public Porsecutor for the Respondent the court made the following order:-

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

The petitioner/appellant is arrayed as A3 in S.C.No.105 of 2015 on the file of learned III Additional Sessions Judge, Tirunelveli. 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.2,000/-, in default, to undergo rigorous imprisonment for six months. 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 the deceased was sitting in front of the tea shop belonging to the first accused and repairing the cell phone. Irritating over the same, the first accused scolded him in filthy language, which resulted in a wordy quarrel between them. In the height of the said quarrel, A1 attacked the deceased with aruval. Overt act attributed against the present petitioner/A3 is that he attacked the deceased and P.W.1 with wooden log.

4. The learned senior counsel for the petitioner submitted that A3/the petitioner herein is a blind person and his disability is 100%. Therefore, there is ample chance for getting acquittal in the case, so far as A3 is concerned. In support of his contention, he produced a Disability Certificate issued by the Government Hospital, Tirunelveli, to show that the petitioner is suffering from 100% disability.

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 Judicial Magistrate, No.V, Tirunelveli, 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 Calender Month, until further orders.

sd/-
30/10/2017

/ TRUE COPY /

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



TO

- 1 THE III ADDITIONAL SESSIONS JUDGE, TIRUNELVELI
- 2 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT
- 3 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 4 THE INSPECTOR OF POLICE
PETTAI POLICE STATION, TIRUNELVELI DISTRICT
- 5 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.K.PRABHU Advocate SR.No.33424

ORDER
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Date :30/10/2017

SMA/PM-PN/SAR-3/01.11.2017:3P/8c