



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

Monday, the Second day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.1154 of 2018
IN
CRL A (MD) No.76 of 2018

C.JOHN BRITTO

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.323 OF 2012.

... 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 imposed on the petitioner in S.C.No.175 of 2013 on the file of the Fast Track Mahila Court, Kanyakumari at Nagercoil by the Judgment dated 11.01.2018, and enlarge the petitioner on bail pending disposal of the present appeal in the interest of justice 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.C.MUTHUSARAVANAN, Advocate for the petitioner and of MR.M.UBENDRA SEKARAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

On the side of the petitioner it is stated the petitioner was charged for the offence under Sections 294 (b), 452, 307 and 302 IPC. But was convicted by the lower Court under Sections 452 and 304 (2) IPC. It is further stated that the alleged occurrence took place only due to pathway dispute and it was only an accidental death and the accused has paid the fine amount imposed by the lower court and was in custody for the past 83 days.

2.On the side of the prosecution it is stated that the original issue is with regard to some pathway dispute. The accused had entered into the house of the victim and push down PW1, who was holding his 50 days infant. They were fell down and the child sustained fatal head injury and in the hospital the infant died. The lower Court rightly concluded that the accused is found guilty under Sections 452 and 304 (2) IPC and was convicted. The accused is in custody for the past 85 days.



3. There is no sufficient grounds to consider the suspension of sentence petition filed by the petitioner at this stage and the reasons stated in the affidavit are also not sufficient enough to consider the petition of the petitioner. Hence, this Petition is dismissed.

sd/-
02/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDGE,
FAST TRACK MAHILA COURT, KANYAKUMARI AT NAGERCOIL.
 - 2 THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KOLLENCODE POLICE STATION, KANYAKUMARI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.C.MUTHUSARAVANAN Advocate SR.No.5264

ORDER
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Date :02/04/2018

MKV-CM-VR-SAR 4/6.4.2018/2P-6C