



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

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Dr.Justice S.VIMALA
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1168 of 2018
IN
CRL A(MD) No.327 of 2016

PALANIVEL @ VELUSAMY

... PETITIONER / APPELLANT

Vs

THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT
(CRIME NO.277 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 of the petitioner imposed in S.C.No. 50 of 2013 dated 13.05.2016 on the file of the Learned Fast Track Mahila Judge Dindigul and enlarge the petitioner on bail pending disposal of the above Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.VIJAYA GOPAL, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

**(Order of the Court was made
by S.Vimala,J.,)**

This Miscellaneous Petition is filed by the appellant / sole accused, seeking to suspend the sentence imposed against him in S.C.No.50 of 2013 on 13.05.2016 by the learned Fast Track Mahila Judge, Dindigul and enlarge him on bail, pending disposal of Crl.A. (MD) No.327 of 2016.

2. The petitioner is the sole accused in S.C.No.50 of 2013, who has been convicted and sentenced to undergo imprisonment as follows:



Offences	Sentence, Imprisonment and Default Punishment
Section 302 IPC	Life Imprisonment with fine of Rs.1000/- in default to undergo 6 months Simple Imprisonment.
Section 307 IPC	Life Imprisonment with fine of Rs.1000/- in default to undergo 6 months Simple Imprisonment.

3. The learned counsel for the petitioner/appellant would submit that the petitioner is not guilty of any offence and at the most, circumstances would indicate that the occurrence had taken place out of sudden provocation. In the incident, the mother-in-law has been done to death and the wife has sustained injuries.

4. It is represented by the learned Additional Public Prosecutor that the entire forearm of the wife has been severed completely.

5. In the said circumstances, we are not inclined to consider the case for suspension of sentence and this petition is dismissed.

6. Post the main appeal in usual course.

sd/-

28/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDGE, FAST TRACK MAHILA COURT, DINDIGUL

2 THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

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JAM/23/04/2018/ CSL/ASVM/ 2p-5c

ORDER

IN

CRL MP (MD) No.1168 of 2018

IN

CRL A (MD) No.327 of 2016

Date : 28/03/2018