



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

Monday, the Second day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM

and

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.1243 of 2018

IN

CRL A (MD) No.95 of 2018

JENGISKHAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
TIRUMANGALAM TOWN POLICE STATION, MADURAI.
IN CR.NO. 73/2008

... 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 conviction and sentence and grant bail to the Appellant pending disposal of the Criminal Appeal before this Honourable Court against the Judgment in S.C.No. 186/2008 on the file of the Sessions Court Mahalir Neethimandram, Madurai dated 12.05.2015 pending disposal of the Appeal on such terms and conditions as may be deemed fit

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

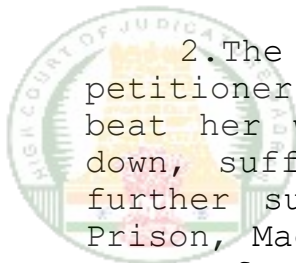
[Order of the Court made by **C.T.SELVAM, J.**]

Petitioner is arrayed as the sole accused in S.C.No.186 of 2008 on the file of the learned Sessions Court - Mahalir Neethimandram, Madurai and under judgment dated 12.05.2015, he has been convicted for offence u/s. 498(A), 302 and 316 IPC and sentenced as follows:

Offence	Sentence
498(A) IPC	3 years R.I. and fine of Rs.500/- i/d 6 months S.I.
302 IPC	Life imprisonment and fine of Rs.1,000/- i/d 6 months S.I.
316 IPC	10 years R.I. and fine of Rs.500/- i/d 6 months S.I.

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Petitioner has come forward with the above miscellaneous petition, seeking relief of suspension of sentence pending appeal.



2.The learned counsel for petitioner submits that the petitioner / appellant, in course of sudden quarrel with his wife, beat her with a shoe and she, being in advanced pregnancy, fell down, suffered injuries and died. Learned counsel for petitioner further submits that petitioner presently is confined at Central Prison, Madurai. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioner herein.

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3. Per contra, learned Additional Public Prosecutor, contended that the prosecution has established its case beyond all reasonable doubt and the minor discrepancies found in the evidence of the prosecution witnesses will not affect the prosecution case in its entirety. He strongly opposed to the grant of the relief of suspension of sentence to petitioner.

4.Considering the facts and circumstances of the case and the submission of both sides, this Court consider it appropriate to suspend the substantive portion of sentence imposed on petitioner.

5.Accordingly, the **substantive sentence of imprisonment alone is suspended in respect of petitioner / accused** and he is directed to be enlarged on bail on condition that he shall execute a bond in a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam, and on further condition that petitioner shall report before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

sd/-

02/04/2018

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

TO

- 1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM, MADURAI.
- 2 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 5 THE INSPECTOR OF POLICE
TIRUMANGALAM TOWN POLICE STATION, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.1243 of 2018 IN
CRL A(MD) No.95 of 2018

Date :02/04/2018

MKV-CM-VR-VK/13.4.2018/2P-7C

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