



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

Monday, the Twenty Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA
and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1537 of 2018

IN

CRL A(MD) No.104 of 2018

1 PANDHAKUMAR
2 ALEX @ ALEX PANDIYAN
3 MARI
(NOW CONFINING AT MADURAI
CENTRAL PRISON)

... PETITIONERS / APPELLANTS/
ACCUSED Nos.1 to 3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO.299 OF 2014)

... RESPONDENT / RESPONDENT/
COMPLAINANT

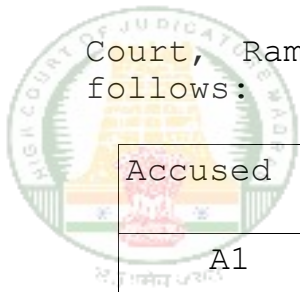
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against the petitioners in S.C.No.70 of 2016 on the file of the Honourable Additional District and Sessions Court, Ramanathapuram dated 19.01.2018 and released the appellants on bail till the disposal of the main appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.GANDHI, Advocate for M/S.R.ALAGUMANI, Advocate for the petitioners 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**)

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioners/appellants are the accused Nos.1 to 3 in S.C.No.70 of 2016 on the file of Additional District and Sessions



Court, Ramanathapuram. They have been convicted and sentenced as follows:

Accused	Penal provisions	Punishment
A1	Under Section 302 of IPC	To undergo life imprisonment with a fine of Rs.10,000/-, in default, to undergo simple imprisonment for one year.
A2	Under Section 302 r/w 34 of IPC	To undergo imprisonment for life with fine of Rs.5,000/-, in default, to undergo simple imprisonment for one year.
A3	Under Section 302 r/w 34 of IPC	To undergo imprisonment for life with fine of Rs.5,000/-, in default, to undergo simple imprisonment for one year.

Challenging the said conviction and sentence imposed, the petitioners/accused Nos.1 to 3 have come up with this appeal. Pending appeal, they seek suspension of the substantive sentence of imprisonment imposed on them.

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

3.The learned counsel for the petitioners/appellants/accused would submit that according to the complaint, the deceased was done to death by three unknown persons, in respect which, there is no identification parade conducted. It is also submitted that even though names of P.Ws.2 and 3 were mentioned in the complaint itself, they did not mention anything about the name of those accused persons. If really, P.Ws.2 and 3 had known about the identity of the accused persons, there would not have been any difficulty for them to disclose the same to the defacto complainant. It is also pointed out that only at the Court, P.W.3 was able to say that the accused persons herein are the persons involved in the occurrence, which cannot be relied upon.

4.Under the stated circumstances, we feel it appropriate to grant suspension of sentence to the petitioners/accused Nos.1 to 3. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioners/accused Nos.1 to 3 is suspended and the petitioners/accused Nos.1 to 3 is directed to be enlarged on bail, on the following conditions:

5.The petitioners/accused Nos.1 to 3 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 learned Additional District and Sessions Judge, Ramanathapuram and on



further condition that the petitioners/accused Nos.1 to 3 shall report before the committal Court once in a week, on each Monday at 10.30 a.m.

sd/-
26/03/2018

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

TO

- 1 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE, RAMANATHAPURAM
- 2 THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.R.ALAGUMANI Advocate SR.No.4808

rj2
JAM/28/03/2018/ MM-PN / SAR 1/ 3p-6c

ORDER
IN
CRL MP(MD) No.1537 of 2018
IN
CRL A(MD) No.104 of 2018
Date :26/03/2018