



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

Friday, the Twentieth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.1600 of 2018
IN
CRL A (MD) No.107 of 2018

1 SELVA KALANJIYAM,
2 KARTHI @ KARTHIKEYAN,
3 KUMAR @ RAMKUMAR,

... PETITIONERS/APPELLANTS

Vs

THE STATE OF TAMIL NADU,
THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.148 OF 2015)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an ORDER OF SUSPEND THE SENTENCE, to suspend the sentence imposed on the petitioners vide Judgment dated 13.02.2018 made in S.C.No.47 of 2017 on the file of the Learned Additional District and Sessions Court, Ramanathapuram, pending disposal of the above Criminal Appeal 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.A.RAVICHANDRA RAMAVANNI, Advocate for the petitioners and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) for the Respondent the court made the following order:-

This petition is filed for suspension of sentence against the order of sentence imposed by the learned Additional District and Sessions Judge, Ramanathapuram in S.C.No.47 of 2017 dated 13.02.2018.

2.The petitioners were convicted by the Additional District and Sessions Judge, Ramanathapuram. The first petitioner was convicted under Sections 148, 451, 304 (ii) IPC, the second petitioner was convicted under Sections 148, 451, 304 (ii) IPC



and the third petitioner was convicted under Sections 147, 451, 304 (ii) read with Section 149 IPC.

3. On the side of the petitioners, it is stated that there was a quarrel between the defacto complainant and the petitioners and there is no witness against the petitioners. Except P.W.-1 no other witness has deposed against the petitioners. The only eyewitness P.W.-1, is the maternal uncle of the deceased and he was also injured and the first petitioner is in custody for the past 50 days and the second petitioner is in custody for past 73 days and there is no evidence for recovery of weapon from the accused persons.

4. On the side of the respondent, it is stated there are five accused in this case. The petitioners attacked the deceased with an iron rod and a lever. On the side of the prosecution, 13 witnesses were examined, 27 documents exhibited and 11 material objects were marked. It is submitted that in the counter case filed by the petitioners, the deceased is not a party and P.W-1 identified all the witnesses and the reasons are not sufficient enough.

5. Records Perused.

6. The offence is serious in nature and the reasons stated in the petition are not satisfactory for their preliminary release expressed in the suspension of sentence petition. Hence, this Court is of the view that that the petitioners are not entitled to the grant of suspension of sentence. Accordingly, this petition is dismissed.

7. Post the main appeal on 12.06.2018 for arguments.

sd/-
20/04/2018

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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 JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM
<https://hservices.ecourts.gov.in/hservices/>



3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

4 THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION, RAMANATHAPURAM DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.M.S.JEYAKARTHIK Advocate SR.No.6780

GJM/CM/VR/VK/24.4.18-3P-8C

ORDER

IN

CRL MP(MD) No.1600 of 2018

IN

CRL A(MD) No.107 of 2018

Date :20/04/2018