



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.1670 of 2018

IN

CRL A(MD) No.109 of 2018

SANKAR @ JEYASANKAR @ SIVASANKARAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
UDAIYALIPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.75 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 passed by the Additional District and Sessions Judge and E.C.Court, Pudukkottai in S.C.No.122 of 2013 dated 20.12.2017 pending disposal of the above Criminal Appeal before this Honourable Court and thus render justice.

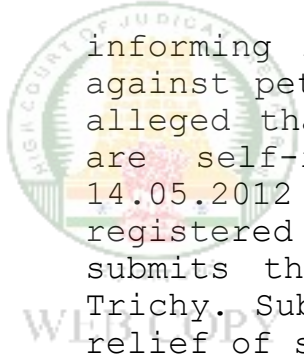
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.BAALASUNDHARAM, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

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

Petitioner is arrayed as the sole accused in S.C.No.122 of 2013 on the file of the Additional District and Sessions Judge and E.C.Court, Pudukkottai and under judgment dated 20.12.2017 he has been convicted for offence u/s. 302 IPC and sentenced as follows:

Offence	Sentence
302 IPC	Life imprisonment and fine of Rs.2,000/- i/d 3 months S.I.

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



informing involvement of six persons, charge sheet was only filed against petitioner / appellant. Further, the prosecution witnesses alleged that the injuries sustained by the petitioner / appellant are self-inflicted and though the occurrence took place on 14.05.2012 at 12.00 noon at Udayalipatti Paravayal Village, FIR was registered only at 9.30 p.m. Learned counsel for petitioner further submits that petitioner presently is confined at Central Prison, Trichy. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioner herein.

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, that it is not possible for the Court to take the Criminal Appeal in the near future, that there are arguable points and according to learned counsel for petitioner, there are several infirmities in the prosecution case in respect of petitioner, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein. Keeping in view of these facts, we are inclined 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, Keeranur, 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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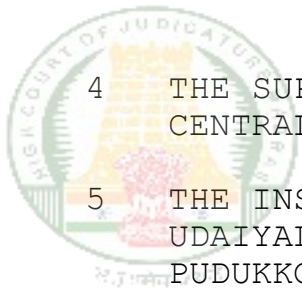
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE AND E.C.COURT,
PUDUKKOTTAI.

2 THE JUDICIAL MAGISTRATE, KEERANUR.

<https://hcservices.ecourts.gov.in/hcservices/>
3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

5 THE INSPECTOR OF POLICE,
UDAIYALIPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. C.C. to M/S.K.BAALASUNDHARAM Advocate SR.No.5181

ORDER
IN
CRL MP (MD) No.1670 of 2018
IN
CRL A (MD) No.109 of 2018
Date :02/04/2018

MKV-CM-VR-SAR 1/5.4.2018/3P-8C