



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

Thursday, the Twelfth day of April Two Thousand and Eighteen

PRESENT

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

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

CRL MP(MD) No.1696 of 2018

IN

CRL A(MD) No.111 of 2018

MUNIYASAMY

... PETITIONER

Vs

THE STATE REP. BY

THE INSPECTOR OF POLICE,

KENIKARAI POLICE STATION,

RAMANATHAPURAM DISTRICT.(CRIME NO.35 OF 2014).

... 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 in Judgment dated 18.01.2018 made in S.C.No.55 of 2016 on the file of the Additional District and Sessions Court, Ramanathapuram and enlarge the Appellant on bail pending disposal of the instant Criminal Appeal.

Order :This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.KARTHICK SUBRAMANIAN, Advocate for the petitioner and of M/S.R.ANAND RAJA, 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 accused No.2 in S.C.No.55 of 2016, on the file of the Learned Additional District and Sessions Judge, Ramanathapuram and under Judgment dated 18.01.2018, he has been convicted for offences under Sections 302 r/w 34 and 341 I.P.C. and sentenced as follows:

Offence	Sentence
302 r/w 34 I.P.C.	Life imprisonment and fine of Rs.2,000/- i/d 6 months S.I.
341 IPC	Simple Imprisonment for fifteen days and fine of Rs.500/-, i/d seven days simple imprisonment.

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

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.



3. The case of the prosecution was that the deceased and the accused engaged in mutual exchange of words and thereafter, the first accused stabbed the deceased, who fell down. The accused 2 and 3 caught hold of the deceased and on their stating that it was dangerous to let the deceased live, the first accused again caused further stab injuries, resulting in death. A case was registered on 21.01.2014 and the same on completion of investigation, filing of final report and committal came up for trial before the Learned Additional District and Sessions Judge, Ramanathapuram in S.C.No.55 of 2016 and under judgment dated 18.01.2018, the Accused No.2 was convicted for the offence u/s., 302 r/w 34 & 341 IPC.

4. The learned counsel for the petitioner submitted that no overt act is attributed to the petitioner/second accused nor is there anything to support the finding rendered by the trial Court in respect of the offence under Section 341 of the Indian Penal Code, as far as the petitioner is concerned. Learned counsel for petitioner further submits that the 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.

5. 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.

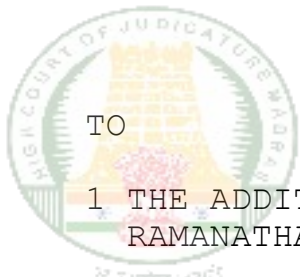
6. Considering the facts and circumstances of the case and the submission of both sides, this Court considers it appropriate to suspend the substantive portion of sentence imposed on petitioner.

7. 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 No.II, Ramanathapuram District, 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/-
12/04/2018

/ TRUE COPY /

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 DISTRICT.

3 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

5 THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. C.C. to M/S.S.KARTHICK SUBRAMANIAN Advocate SR.No.6018.

ORDER

IN

CRL MP (MD) No.1696 of 2018

IN

CRL A (MD) No.111 of 2018

Date :12/04/2018

SDS/CM:VR/VK/13.04.2018/3P/8C