



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

Tuesday, the Twenty Fourth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2477 of 2018
IN
CRL A(MD) No.41 of 2018

SARAVANAKUMAR

... APPELLANT/ACCUSED NO.6

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO. 177/2008)

... RESPONDENT/COMPLAINANT

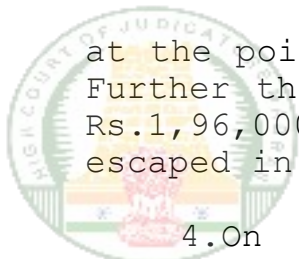
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against the petitioner in S.C.No.94/2017 dated 11.01.2018 on the file of the Additional District and Sessions Court, Ramanathapuram and enlarge the petitioner on bail pending disposal of above Criminal Appeal 41 of 2018

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.SUBASH BABU, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHRATHI, Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

Heard Mr.M.Subash Babu, learned counsel appearing for the petitioner, Mr.K.Sumbulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.94 of 2017 dated 11.01.2018, on the file of the Additional District and Sessions Court, Ramanathapuram till the disposal of the criminal appeal.

3.The case against the petitioner is that on 24.02.2008 at about 09.00 p.m., he has committed decoity along with other accused near Vani Bus stand, Ramanathapuram. The accused travelled in an Omni Bus bearing Registration No.TN-09-W-6907. A1 and A8 had stayed in the van which was parked at a distance from P.W.1's house and A2 to A5, Sibbu and Giriraj went to P.W.1's house, Giriraj and A5 stayed inside the compound wall of the house and stood guard while Sibbu, A2, A3 and A4 went inside the house with knife. Sibbu holding P.W.1



at the point of knife threatened P.W.2 and P.W.3 and witness Priya. Further they have looted 70 sovereigns of gold, 4 watches and cash Rs.1,96,000/- and locked all the witnesses inside the kitchen and escaped in the van.

4. On the side of the petitioner, it is stated that the petitioner is only a driver. He has nothing to do with the accused. The owner of the vehicle engaged the petitioner to take a trip for the accused. Only the accused viz, Giriraj approached the owner of the vehicle and this petitioner has no knowledge about the accused and has no contact with the accused and he just obeyed the orders of the owner, and take the trip for the accused. Even in confession, the accused, viz., Sibbu did not reveal anything against this petitioner. The petitioner has no share in the loot also. The petitioner may be suggested as a witness and not as an accused.

5. On the side of the respondent, it is stated that the only with the common intention to commit robbery all the accused assembled and committed the offence. The prosecution examined 15 witnesses and the case against Sibbu and Giriraj is still pending. P.W.12 is the owner of the vehicle. The petitioner is the driver at the time of occurrence and the recovery witness P.W.14 identified the vehicle and the confession of the co accused lead to recovery and it is the second petition for the suspension of sentence and the suspension of sentence for the co accused is dismissed just two days prior to the date of argument and prayed the petition to be dismissed.

6. Records perused. From a perusal of the records, it is clear that the petitioner is in custody from 04.01.2018. The facts of the case and the overt act of the case against the petitioner is different from that of the petitioners in S.C.No.94 of 2017. Hence, this Court is inclined to grant an interim suspension of sentence till the dispose of the appeal, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.



7. Post the main criminal revision case for hearing on
26.04.2018.

sd/-
24/04/2018

/ TRUE COPY /

WEB 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.
- 3 DO THROUGH 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.

+1cc to MR.M.SUBASH BABU, Advocate in SR.No. 7004

ORDER
IN
CRL MP (MD) No.2477 of 2018
IN
CRL A (MD) No.41 of 2018
Date : 24/04/2018

MKV-CM-VR-VK/24.4.2018/3P-8C