



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

Monday, the Ninth 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.1948 of 2018

IN

CRL A(MD) No.122 of 2018

PANDIARAJ

... PETITIONER/APPELLANT/SINGLE ACCUSED

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
ELUMALAI POLICE STATION,  
MADURAI DISTRICT.

(CRIME NO.35 OF 2015)

... 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 in S.C.No.292 of 2015 dated 22.02.2018 by the learned VI Additional District and Sessions Judge, Madurai and enlarge the petitioner on bail pending disposal of main 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.S.RAVI, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

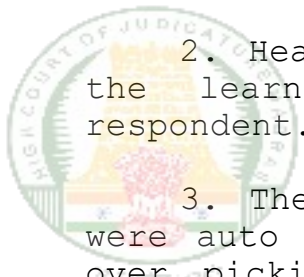
[Order of the Court made by **C.T.SELVAM, J.,**]

Petitioner is arrayed as sole accused in S.C.No.292 of 2015 on the file of the Learned VI - Additional District and Sessions Judge, Madurai and under judgment dated 22.02.2018, he has been convicted and sentenced as follows:

| Offence | Sentence                                                   |
|---------|------------------------------------------------------------|
| 302 IPC | Life imprisonment and fine of Rs.1,000/- i/d 3 months S.I. |
| 307 IPC | 7 years R.I. and fine of Rs.1,000/- i/d 3 months S.I.      |
| 326 IPC | 3 years R.I. and fine of Rs.1,000/- i/d 3 months S.I.      |

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

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



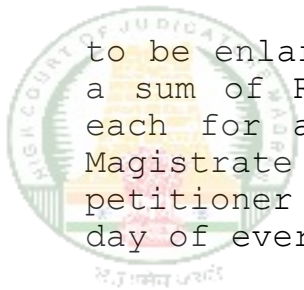
2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that the accused and P.W.1 were auto drivers. There was a quarrel between them on 06.04.2015 over picking up of passengers and P.W.1 assaulted the accused. Angered thereby, on 07.04.2015 at 8.15 a.m. the accused dashed a Bolero vehicle against the auto, wherein the deceased and P.W.2 were travelling, resulting in the death of the deceased and also injuries to P.W's.1 & 2. A case was registered on 07.04.2015 and the same on completion of investigation, filing of final report and committal came up for trial before the Learned VI - Additional District and Sessions Judge, Madurai in S.C.No. 292 of 2015 and under judgment dated 22.02.2018, the sole accused was convicted for offences u/s., 302, 307 & 326 IPC.

4. The learned counsel for the petitioner submitted that a case of an accident, has been made to appear a case of murder. He submitted that P.W.1 was the driver of the Auto and he had no driving license, registerion certificate of the vehicle or a permit. The learned counsel submitted that towards enabling a false case for receipt of compensation, the accused had been wrongly implicated. The learned counsel took this Court through the evidence of P.W.4, the father of the deceased and submitted that PW-4 came to the place of occurrence subsequently and saw the deceased lying with injuries and the police enquired PW-4. The learned counsel stated that the statement given by PW-4 to the police would form the basis of first information and the same has been suppressed. The learned counsel also pointed out that P.W.4 has spoken about the presence of several police personnel at the scene of occurrence. Ex.P.1, complaint had been registered at the instance of P.W.1. He has admitted in cross-examination that at the time of admission of P.W.1, the driver of Auto, at hospital, he admitted to informing the doctor of the occurrence being an accident. P.W.2, co-passenger, had not supported the case of the prosecution, and has been treated as hostile. Learned counsel for petitioner submits that 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.



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, Usilampatti, 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.

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sd/-  
09/04/2018

/ TRUE COPY /

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

TO

- 1 THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
MADURAI.
  - 2 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI.
  - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
  - 4 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
  - 5 THE INSPECTOR OF POLICE,  
ELUMALAI POLICE STATION, MADURAI DISTRICT.
  - 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.S.RAVI Advocate SR.No.5703

ORDER  
IN  
CRL MP (MD) No.1948 of 2018  
IN  
CRL A (MD) No.122 of 2018  
Date :09/04/2018

MKV-CM-VR-RNB/11.4.2018/3P-8C