



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

Thursday, the Second day of August 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.1987 of 2018
IN CRL A(MD) No.124 of 2018

P.MAHAMUNI

... APPELLANT/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KOLLIDAM POLICE STATION,
TRICHY.
(CRIME NO.160 OF 2012)

... RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence made in S.C.No.164 of 2016 on the file of Principal District & Sessions Judge, Trichirapalli dated 23.10.2017 and enlarge me onbail pending disposal of the above Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.THIRUVADI KUMAR, Advocate for the petitioner and of Mr.R.ANANDRAJ, 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.164 of 2016 on the file of learned Principal District and Sessions Judge, Trichirapalli, and under judgment dated 23.10.2017 he has been convicted for offences u/s. 341, 294(b), 302 and 506(ii) IPC and Section 27(1) of Arms Act, and sentenced as follows:

Offence	Sentence
341 IPC	1 month S.I. and fine of Rs.500 i/d 15 days S.I.
294(b) IPC	3 months S.I. and fine of Rs.500/- i/d 1 month S.I.
302 IPC	Life imprisonment and fine of Rs.2,000/- i/d 2 years R.I.
506(ii) IPC	7 years R.I. and fine of Rs.1,000/- i/d 1 year R.I.
27(1) Arms Act	7 years R.I. and fine of Rs.1,000/- i/d 1 year S.I.



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

2. Learned counsel for petitioner relied on the evidence of P.W.4 daughter of the deceased to the effect that just prior to the occurrence, there was quarrel, but the wife of the accused and neighbours had taken him to home and locked him inside. However, accused again found his way out and raised a hue and cry. The father, the deceased and the mother went out of the house, but on finding the accused holding a fire arm, sought to disarm him when, accused allegedly shot the deceased in the chest. Learned counsel submits that the very incident of firing could well have occurred owing to action of the prosecution party. 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 nearest 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.

Accordingly, the substantive sentence of imprisonment alone is suspended in respect of petitioner 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.IV, Trichy, 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/-

02/08/2018

/ TRUE COPY /

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



1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUCHIRAPPALI.

2. THE JUDICIAL MAGISTRATE NO.IV, TRICHY.

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

5. THE INSPECTOR OF POLICE,
KOLLIDAM POLICE STATION, TRICHY.

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

+1. C.C. to Mr.A.THIRUVADI KUMAR, Advocate SR.No.14870

ORDER
IN
CRL MP (MD) No.1987 of 2018
IN
CRL A (MD) No.124 of 2018
Date : 02/08/2018

MS/PN/SAR-4/03.08.2018/3P.8C