



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

Thursday, the Second day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and
The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.291 of 2018
IN
CRL A(MD) No.26 of 2018

RAJIV GANDHI

... APPELLANT/ ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
TIRUCHIRAPPALLI.
CRIME NO.305 OF 2012

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to graciously suspend the sentence till the disposal of appeal filed against the Judgment in S.C.No.26 of 2013 dated 11.06.2014 on the file of the Honourable Principal District & Sessions Court, Tiruchirappalli and to enlarge him on bail 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 Mr.A.ARUN PRASAD, Advocate for the petitioner and of Mr.R.ANANDHARAJ, 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 was arrayed as an accused in Crime No.305 of 2012 on the file of respondent Police, and under judgment dated 11.06.2014 in S.C.No.26 of 2013 on the file of the Principal District and Sessions Court, Tiruchirappalli, he has been convicted for offences u/s.294(b), 341 and 302 IPC and sentenced as follows:

Offence	Sentence
294(b) IPC	Simple imprisonment for three months.
341 IPC	Simple imprisonment for one month.
302 IPC	Life Imprisonment (R.I) along with a fine of Rs.1,000/- i/d 15 days S.I.



Petitioner has moved this miscellaneous petition seeking relief of suspension of sentence pending appeal.

2.The prosecution case is that the appellant threw a lighted cigarette on the petrol tank of the motor cycle of P.W.7 and P.W.7 informed the deceased there about. Both deceased and accused were working as loadmen. On 22.04.2010, at about 11.00 a.m. the deceased questioned the accused. A scuffle followed in the course and that the accused attacked the deceased using knife and caused lacerated injuries, as a result of which, the deceased succumbed to injuries.

3.The learned counsel for the petitioner submits that the occurrence had taken place on the spur of the movement and there was absolutely no premeditation on the part of the accused. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioner herein.

4. Per contra, Mr.R.Anandharaj, learned Additional Public Prosecutor, contended that the prosecution has established its case beyond all reasonable doubt and he strongly opposed to the grant of the relief of suspension of sentence to petitioner.

5.Considering the facts and circumstances of the case, it is not possible for the Court to take the Criminal Appeal in the near future, there are arguable points, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein. We are inclined to suspend the substantive portion of sentence imposed on petitioner.

6.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, Tiruchirappalli 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.



TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUCHIRAPPALLI.
2. THE JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
5. THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION, TIRUCHIRAPPALLI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.A.ARUN PRASAD Advocate SR.No.14881

ORDER
IN
CRL MP (MD) No.291 of 2018
IN
CRL A (MD) No.26 of 2018
Date : 02/08/2018

MS/PN/SAR-4/06.08.2018/3P.8C