



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

Friday, the Twenty Third day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.50 of 2018

IN

CRL A(MD) No.5 of 2018

AYYANAR,

... PETITIONER/APPELLANT

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

IN CRIME NO.129 OF 2010.

... RESPONDENT/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 by the Court of the Additional District and Sessions Judge, Virudhunagar in S.C.No.110 of 2010 on 19.12.2017 and enlarge the Petitioner on bail pending disposal of the Criminal Appeal and thus render justice.

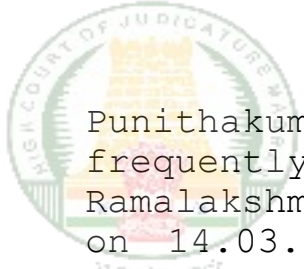
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.JOTHI BASU, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor for the Respondent the court made the following order:-

Reserved on	Pronounced on
19.01.2018	23.03.2018

The petitioner/ appellant has been convicted for the offences under Sections 304(1) and 341 IPC, by the learned Additional District and Sessions Judge, Virudhunagar, in S.C.110 of 2010, dated 19.12.2017 and has been sentenced to undergo various terms of imprisonment, the maximum being seven years rigorous imprisonment, challenging which, the petitioner/appellant has filed CrI.A.(MD)No.5 of 2018 and has filed the present petition for suspension of sentence and release on bail.

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

2. It is the case of the prosecution that the deceased



Punithakumar and his wife Ramalakshmi used to quarrel very frequently and that the accused, who is the brother of Ramalakshmi would interfere to sort out the quarrel. While so, on 14.03.2010, when the deceased Punithakumar and his wife Ramalakshmi were quarrelling, the accused intervened and in the course of the quarrel, it is alleged that the accused took out a knife and stabbed the deceased - Punithakumar resulting in his death. Initially, a charge under Section 302 was framed and ultimately, the accused has been convicted for the offences under Sections 304(1) and 341 IPC and sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.1,500/- [Rupees One Thousand and Five Hundred only].

3. The learned counsel appearing for the petitioner/appellant submitted that there was no motive to murder the deceased - Punithakumar, inasmuch as the deceased is none other than the brother-in-law of the accused and that the attack had taken place only in a fit of passion and not pre-meditated one.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case and that there are arguable points in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein would be entitled to the relief of suspension of sentence and bail.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail 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 likesum to the satisfaction of the learned Judicial Magistrate Court, Aruppukkottai 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 month 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.

sd/-
23/03/2018

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.
 - 2 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.
 - 3 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
 - 4 THE INSPECTOR OF POLICE, ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- +1. C.C. to M/S.M.JOTHI BASU Advocate SR.No.4683

NB

GJM/RR/CSL/SAR-I-26.3.18-3P-7C

ORDER
IN
CRL MP (MD) No.50 of 2018
IN
CRL A (MD) No.5 of 2018
Date :23/03/2018