



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA

and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.719 of 2018

IN

CRL A(MD) No.428 of 2017

GANESAN

... PETITIONER/APPELLANT/ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT
(IN CRIME NO. 117/2009)

... RESPONDENT/COMPLAINANT

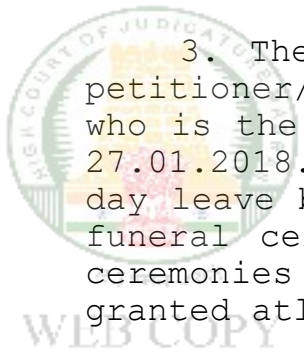
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to grant an Interim Suspension of sentence for 5 days from 03.02.2018 to 07.02.2018 imposed in S.C.No.3/2011 dated 31.08.2017 on the file of the Additional District Court (Fast Track Court), Paramakudi in C.A.(MD).No. 428/2017 on the file of this Honourable Court and enlarge the petitioner / appellant/accused No.1 on bail

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

(Order of the Court was made by **S.VIMALA, J**)

The petitioner is the first accused in SC No.3/2011 on the file of the Additional District Court (Fast Track Court), Paramakudi. He has been convicted for the offences under Sections 147, 148, 307 and 302 IPC. The maximum sentence imposed on the appellant is imprisonment for life. Challenging the conviction and sentence, the appellant has preferred the criminal appeal. Pending appeal, this application has been filed for suspending the substantive sentence of imprisonment.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.



3. The main contention raised by the learned counsel for the petitioner/appellant is that the petitioner's father S.Sivasankaran, who is the co-accused No.8 and whose sentence is suspended, died on 27.01.2018. The petitioner herein was allowed permission for one day leave by the prison authorities on 28.01.2018 for attending the funeral ceremony of the father. It is stated that the customary ceremonies will go on from 04.02.2018 to 06.02.2018 and he may be granted atleast five days leave to attend those ceremonies.

4. Considering the fact that only one day leave alone was granted for attending the funeral ceremony, permission is granted for the petitioner to attend the customary ceremonies for the period from 04.02.2018 to 06.02.2018.

5. Accordingly, the convict prisoner, namely, Ganesan, S/o.Sivasankaran (Convict No.5680) is permitted to go on temporary leave for a period of three days, i.e. from 04.02.2018 to 06.02.2018. Till such time, the sentence remains suspended and the respondent police is directed to release the petitioner on 04.02.2018 upto 06.02.2018, subject to the following conditions:

i) The respondent shall follow all the usual procedures and safeguarding measures in accordance with the Prison Manual;

ii) During leave, the Prison authorities shall provide escort to the prisoner. After the leave period, the prisoner shall be taken back to the Central Prison, Madurai before 6.00p.m. on 06.02.2018.

6. With the above direction, this petition is disposed of.

sd/-

01/02/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT), PARAMAKUDI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
NAINARKOVIL POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.SABBANI KARPURA JOTHI Advocate SR.No.1729

ORDER IN
CRL MP(MD) No.719 of 2018 IN
CRL A(MD) No.428 of 2017
Date :01/02/2018