



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

Monday, the Ninth day of April Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.761 of 2018

IN

CRL A (MD) No.52 of 2018

1 NATARAJAN

... PETITIONER

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THUVAKUDI POLICE STATION,
TRICHY DISTRICT, TIRCHY.
IN CRIME NO. 310/2006.

... 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 Judgment dated 14.11.2016 passed in S.C.No. 210 of 2008 on the file of the Learned III-Additional District and Sessions Judge, Trichy and enlarge the petitioner on bail, pending disposal of the Criminal Appeal

Order: This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.E.SOMASUNDARAM, Advocate for the petitioner and of M/S.R.ANANDARAJ, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

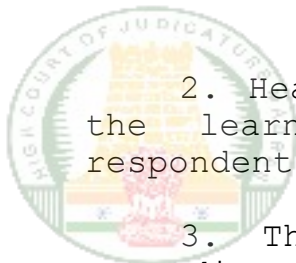
[Order of the Court made by **C.T.SELVAM, J.,**]

Petitioner is arrayed as the sole accused in S.C.No.210 of 2008 on the file of the Learned Third Additional District and Sessions Judge, Trichirappalli and under judgment dated 14.11.2016, he has been convicted and sentenced as follows:

Offence	Sentence
302 IPC	Life imprisonment and fine of Rs.3,000/- i/d 3 months S.I.
201 IPC	7 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 learned counsel for the petitioner submitted that according to the case of prosecution, the accused and the deceased were working together and shared illicit intimacy. P.W.6, the brother of the deceased, questioned the accused, ten days after his sister had gone missing and resultantly, the accused had confessed that on 21.12.2006, during night hours, at about 12:00 a.m, near Vallavanthan Pond, his sister has been murdered and the same was the information received by P.W.1, the Village Administrative Officer. P.W.1 had informed P.W.2, President of Village Panchayat and P.W.3, Panchayat Local Councillor, who accompanied him to the Police Station, after PW-1 recorded the confessional statement in Ex-P1. However, P.W.19, the Investigating Officer has admitted that on taking up the case for investigation, he went to the scene village, on 29.12.2016, at 11.45 a.m., when the petitioner, PW-1 and PW-2 were present. P.W.19 had also admitted to digging of the burial site, towards assuring himself of the presence of the dead body there and after doing so, re-covering the surface. The exhumation of the dead body had been effected on the next day in the presence of P.W.17 - Tahsildhar. A case was registered in Crime No.310 of 2006 and the same on completion of investigation, filing of final report and on committal came up for trial before the Learned Third Additional District and Sessions Judge, Trichirappalli in S.C.No. 210 of 2008 and under judgment dated 14.11.2016, the sole accused was convicted for the offence u/s., 302 & 201 IPC.

4. The learned counsel for the petitioner submitted that the prosecution case, but for the confessional statement, would rest on circumstantial evidence and there is no circumstance which would indicate the involvement of the accused and the alleged confessional statement allegedly given by the petitioner/accused is highly unbelievable. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence imposed on the petitioner/accused.

5. Per contra, learned Additional Public Prosecutor contended that the prosecution has established its case beyond all reasonable doubt and the minor discrepancies/contradictions found in the evidence of the prosecution witnesses will not affect the prosecution case in its entirety. He strongly opposed to the grant of relief of suspension of sentence to the 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 the petitioner.

7. Accordingly, the substantive sentence of imprisonment alone is suspended in respect of the petitioner/accused and he is directed to be enlarged on bail on condition that he shall execute a bond in



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a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the Learned III Additional District and Sessions Judge, 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/-

09/04/2018

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

TO

1 THE III-ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TRICHY.

2 THE SUPERINTENDENT,
CENTRAL JAIL,
TRICHY.

3 THE INSPECTOR OF POLICE,
THUVAKUDI POLICE STATION,
TRICHY DISTRICT.

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

+1. C.C. to M/S.E.SOMASUNDARAM Advocate SR.No.5796.

ORDER

IN

CRL MP (MD) No.761 of 2018

IN

CRL A (MD) No.52 of 2018

Date :09/04/2018

SDS/CM:VR/GSR/11.04.2018/3P/6C