



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

Monday, the Nineteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.91 of 2018

IN

CRL RC(MD) No.2 of 2018

M.SAMPAMOORTHY

... PETITIONER/REVISION PETITIONER

Vs

THE STATE OF TAMIL NADU REPRESENTED
BY THE INSPECTOR OF POLICE
BHUDALUR POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.167/2010)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence dated 23.06.2017 made in C.A.No.48 of 2016 on the file of the Principal Sessions Judge, Thanjavur District arising from the Judgment dated 15.09.2016 made in S.C. 269 of 2012 on the Additional Assistant Sessions Judge, Thanjavur District

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.SURESH KUMAR, Advocate for the petitioner and of Mrs.S.BHARATHI, Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

It is the case of the prosecution that the petitioner abused and attacked P.W.1 on 28.09.2010 and caused injuries to him. Charges under Sections 294(b), 332, 307 and 506(i) I.P.C. were framed against the accused and the trial Court acquitted the accused in S.C.No.269 of 2012 on 15.09.2016 under Section 307 I.P.C., but convicted for the offence under Sections 294(b), 332 and 324 I.P.C. and has imposed various terms of sentences, the maximum being two years. The first appellate Court has confirmed the sentence in Crl.A.(MD) No.46 of 2016 on 23.06.2017, challenging which, the accused has filed Crl.R.C.(MD) No.2 of 2018 and has prayed for suspension of sentence without surrendering.

2.Taking into consideration the serious nature of the allegations and the manner in which the accused had attacked P.W.1, who was a police man, who had gone to the place of occurrence in connection with restoring the law and order, this Court is of the



view that it is not a fit case to give exemption to the petitioner from surrendering. Hence, this Criminal Miscellaneous Petition stands dismissed with liberty to the petitioner to file fresh petition for suspension of sentence after he surrenders.

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sd/-
19/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
BHUDALUR POLICE STATION,
THANJAVUR DISTRICT
- 2 THE PRINCIPAL SESSIONS JUDGE
THANJAVUR
- 3 THE ADDITIONAL ASSISTANT
SESSIONS JUDGE, THANJAVUR
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL MP (MD) No.91 of 2018
IN
CRL RC (MD) No.2 of 2018
Date :19/03/2018

SMA/CM-VR/SAR-2/22.03.2018:2P/5C