



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

Tuesday, the Thirteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA
and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL.MP(MD) No.943 of 2018

IN

CRL.A(MD) No.64 of 2018

MANI @ MANIMARAN

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE,
SILAIMAN CIRCLE, SILAIMAN POLICE STATION,
MADURAI.

(CRIME NO.181 OF 2005)

... RESPONDENT/RESPONDENT

Prayer in Crl.MP(MD)No.943/2018:

This Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the conviction and sentence and grant bail to the Appellant pending disposal fo the Criminal Appeal before this Honourable Court against the Judgement in S.C.No.282 of 2011 on the file of the IV Additional District and Sessions Judge, Madurai dated 28.11.2017 pending disposal of the Appeal on such terms and conditions as may be deemed fit and thus render justice.

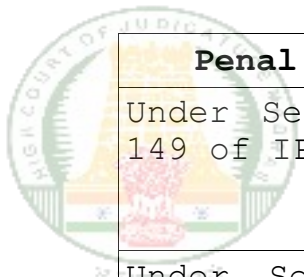
Prayer in Crl.A(MD)No.64/2018:-

This Appeal filed under Section 374 of Criminal Procedure Code praying to call for the records in S.C.No.282 of 2011 dated 28.11.2017 on the file of the IV Additional District and Sessions Judge, Madurai and set aside the same and acquit the Appellant.

Order : This petition coming on for hearing on this day, upon perusing the petition and affidavit and material papers of this petition and upon hearing the arguments of M/S.R.VENKATESAN, Advocate for the Petitioner and of Mr.M.Chandra Sekaran, 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/appellant is the sole accused in S.C.No.282 of 2011 on the file of learned IV Additional District & Sessions Judge, Madurai. He has been convicted and sentenced as follows:



Penal provisions	Punishment
Under Section 302 r/w 149 of IPC	To undergo life imprisonment with a fine of Rs.2,000/-, in default, to undergo simple imprisonment for three months.
Under Section 148 of IPC	To undergo rigorous imprisonment for one year.

Challenging the said conviction and sentence imposed, the petitioner/sole accused has come up with this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment imposed on him.

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 is that the marriage of the petitioner's brother's daughter is scheduled to be held on 19.03.2018 and that the petitioner being a family member has to attend the function and therefore, it is prayed that he may be granted leave for five days leave from 16.03.2018 to 20.03.2018 so as to enable him to attend the marriage function.

4. The learned Additional Public Prosecutor, on instructions from the respondent, has submitted that the marriage function is going to be held on 19.03.2018. Therefore, the petitioner/accused may be allowed to go on emergency leave but with usual conditions.

5. Considering the reasons stated above, permission is granted for the petitioner to attend the marriage function of his brother's daughter for the period commencing from 16.03.2018 to 20.03.2018.

6. Accordingly, the petitioner/accused, namely, Mani @ Manimaran, S/o. Rasu Servai, is permitted to go on leave for five days starting from 16.03.2018 to 20.03.2018. The respondent police is directed to release the petitioner on 16.03.2018 upto 20.03.2018, 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 petitioner/accused at the cost of the State and the police escort shall be in civil dress. After expiry of the period, the detenu shall be taken back to the Central Prison, Madurai before 6.00p.m. on 20.03.2018.

7. This petition is ordered accordingly.

Sd/-
Assistant Registrar (C.O)

/ TRUE COPY /



TO

1. THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE
MADURAI

2. THE DISTRICT COLLECTOR
MADURAI

3. THE SUPERINTENDENT OF POLICE
MADURAI

4. THE INSPECTOR OF POLICE,
SILAIMAN CIRCLE, SILAIMAN POLICE STATION,
MADURAI.

5. THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON,
MADURAI (BY FAX)

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

+1. C.C. to M/S.R.VENKATESAN Advocate SR.No.54751

RL/8C/3P/JC/SAR2/14/3/2018

ORDER DATE :13/03/2018

ORDER (PAROLE)

CRL.MP(MD) No.943 of 2018
IN
CRL.A(MD) No.64 of 2018
GIVING DIRECTIONS ETC.,
AS STATED WITHIN