



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

Thursday, the Twenty First day of June Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and
The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.10148 of 2017
IN CRL A(MD) No.450 of 2017

VELLANKANI

... PETITIONER/PETITIONER

Vs

STATE REP BY
THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
TRICHY DISTRICT,
CRIME NO.576/2014

... 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 made in S.C.No.71/2015 dated 17/10/2016 on the file of the Learned Sessions Judge, Trichy Division, Trichy and enlarge him on bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.ARUN PRASAD, Advocate for the petitioner and of MR.R.ANANDRAJ, Additional Public Prosecutor for the Respondents the court made the following order:-

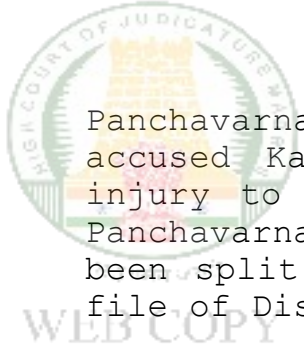
[Order of the Court made by **C.T.SELVAM, J.**]

Petitioner arrayed as an accused in Crime No.576 of 2014 on the file of respondent Police, has under judgment dated 17.10.2016 in S.C.No.71 of 2015, been convicted for offences u/s.294(b), 324 and 302 of IPC and sentenced as follows:

Offence	Sentence
294 (b) IPC	3 months R.I.
324IPC	3 years R.I.
302 IPC	Life imprisonment and fine of Rs.5,000/- i/d 3 years R.I.

Petitioner has come forward with the above miscellaneous petition seeking relief of suspension of sentence pending appeal.

<https://hcservices.court.gov.in/> The prosecution case is that on the night of 10.07.2014, at about 11.00 p.m. a quarrel arose between four beggars in sharing the collections of the day. The petitioner herein attacked the deceased



Panchavarnam with a brick with cement mortar on her cheek and the accused Kannan assaulted the deceased with a big stone causing injury to the rear portion of the head and due to the injuries, Panchavarnam died. As against the co-accused Kannan, the case has been split up and the same is pending in S.C.No.37 of 2016 on the file of District Sessions Court, Trichirappally.

3.The learned counsel for the petitioner would submit that the accused had no motive whatsoever to attack the deceased and the occurrence was a sudden one. Learned counsel for petitioner further submits that the petitioner presently is confined at Central Prison, Trichirappalli. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioner herein.

4. Per contra, Mr.R.Anandharaj, learned Government Advocate, contended that the prosecution has established its case beyond all reasonable doubt and he strongly opposed to the grant of the relief of suspension of sentence to petitioner.

5.Considering the facts and circumstances of the case, that it is not possible for the Court to take the Criminal Appeal in the nearest future, that there are arguable points and on the face of that the it is a sudden occurrence, where the accused have acted without any premeditation, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein. Keeping in view of these facts, we are inclined to suspend the substantive portion of sentence imposed on petitioner.

6.Accordingly, the **substantive sentence of imprisonment alone is suspended in respect of petitioner** and he is directed to be enlarged on bail on condition that he shall execute a bond in a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Trichy Division, 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/-
21/06/2018

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



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TO

1 THE SESSIONS JUDGE
TRICHY DIVISION

2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

3 THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION, TRICHY DISTRICT

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

+1. C.C. to M/S.A.ARUN PRASAD Advocate SR.No.10999

ORDER
IN
CRL MP (MD) No.10148 of 2017
IN
CRL A (MD) No.450 of 2017
Date :21/06/2018

SMA/RR-CSL/VK/25.06.2018:3P/6c