



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

Wednesday, the Tenth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Dr.Justice S.VIMALA
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.10890 of 2017

IN

CRL A(MD) No.479 of 2017

1 GEORGE
2 RAJARATHINAM @ ROYAL
3 ALBERT @ ALBERT

... PETITIONERS/APPELLANTS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
SATHANKULAM,
THOOTHUKUDI DISTRICT
CRIME NO.224/2015

... RESPONDENT/APPELLANT

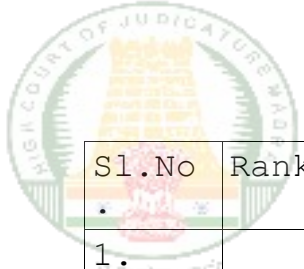
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against the petitioners in S.C.No.83/2016 in 17/11/2017 on the file of the Learned I Additional District and Sessions Judge, Thoothukudi and enlarge the petitioners on bail, pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.VEERA KATHIRAVAN, SENIOR COUNSEL FOR M/S.S.SIVAKUMAR, Advocate for the petitioner and of MR.K.S.DURAI PANDIAN, Additional Public Prosecutor for the Respondent the court made the following order:-

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

This Miscellaneous Petition is filed by the petitioners/A1 to A3 to suspend the sentence imposed against the petitioners in S.C.No.83 of 2016 on 17.11.2017 by the learned I Additional District and Sessions Judge, Thoothukudi and enlarge them on bail pending disposal of Crl.A.(MD) No.479 of 2017.

2. The petitioners are A1 to A3 in S.C.No.83/2016, who have been convicted and sentenced to undergo imprisonment as follows:



Sl.No	Rank	Offences	Sentence, Imprisonment and Default Punishment
1.	A1	Section 294(b) IPC	Three months simple imprisonment
2.		Section 341 IPC	One month simple imprisonment
3.		Section 506(ii) IPC	Two years simple imprisonment
4.		Section 302 IPC	Life Imprisonment
5.	A2 & A3	Section 294(b) IPC	Three months simple imprisonment
6.		Section 342 IPC	Three months simple imprisonment
7.		Section 302 r/w 114 IPC	Life imprisonment and to pay a fine of Rs.50,000/- each to PW1 as compensation under Section 357 Cr.P.C, in default to undergo two years simple imprisonment
8.		Section 506(ii) IPC	Two Years simple imprisonment

Under the said circumstances, the present petition has been filed seeking suspension of the sentence awarded.

3. The case of the prosecution is that due to previous enmity regarding election to church diocese on 16.05.2015, the accused persons / appellants herein are said to have chased the deceased Pravinkumar and it is alleged that the first accused stabbed the deceased on the left neck and the accused 2 and 3 were holding the deceased at the time of occurrence.

4. The learned Senior Counsel appearing for the petitioners / accused would submit that he is not pressing this petition against the first appellant / A1 and has also made an endorsement to that effect. Hence, this petition against A1 is dismissed.

4.1. The learned Senior Counsel appearing for the petitioners / accused would further submit that the prosecution has mainly relied upon the evidences of P.W.1, who is the father of the deceased and P.W.2. The evidence of P.W.1 has a lot of contradictions and the P.W.1 is not an eyewitness to the occurrence, because as per his own admission, he did not come to the hospital in the ambulance along with the deceased and even though P.W.2, though an eye witness, subsequently, has turned hostile. He would also submit that there is no incriminating materials against A2 and A3, against whom it is alleged that they caught hold of the deceased, when the accused stabbed the deceased.

5. The learned Additional Public Prosecutor would submit that P.Ws.1 & 2 have spoken about the occurrence and the trial Court has rightly convicted the accused and no interference is required and therefore, the present petition will have to be dismissed.

<https://hcservices.ecourts.gov.in/hcservices/>

6. In the light of the submissions made on either side hereinabove and also considering the part played by A2 and A3, we



are inclined to grant suspension of the sentence to the petitioners 2 & 3 / A2 and A3 alone.

7. In fine, this petition is ordered and the sentence imposed against the petitioners 2 & 3 / A2 & A3 in S.C.No.83 of 2016 by the learned I Additional District and Sessions Judge, Thoothukudi is suspended till the disposal of Criminal Appeal No.479 of 2017 and the petitioners 2 & 3 will be released on bail on each of them executing a bond for a sum of Rs.10,000/- and two sureties each for a likesum to the satisfaction of the learned I Additional District and Sessions Judge, Thoothukudi and on further condition that they shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m until further orders.

8. For the sake of brevity, it is reiterated that this petition against the first petitioner / A1 is dismissed.

sd/-
10/01/2018

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

AR
TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI

2 THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION, SATHANKULAM,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI

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

+1. C.C. to M/S.C.AROCKIASSELVI Advocate SR.No.567

GJM/PN/SAR-2-11.1.18-3P-6C

ORDER
IN
CRL MP(MD) No.10890 of 2017
IN
CRL A(MD) No.479 of 2017
Date :10/01/2018