



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

Friday, the Twenty Third day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.11518 of 2017

IN

CRL A (MD) No.511 of 2017

SHANMUGAVEL @ SHANMUGAM,

... APPELLANT/ACCUSED No.1

Vs

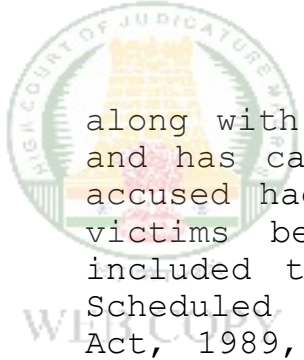
THE STATE REP BY
THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR RANGE, MADURAI DISTRICT.
IN CRIME NO.375 OF 2014.
(ON THE FILE OF
THE NAGAMALAI PUDUKOTTAI
POLICE STATION)

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence passed by the III Additional District & Sessions Court (PCR), Madurai in Special S.C.No.104 of 2016 dated 09.11.2017, pending disposal of the Criminal Appeal and thus render justice.

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

The petitioner/appellant [A1] has been convicted for the offences under Sections 307 r/w 34, 324 r/w 34 [two counts] and 294 (b) r/w 34 IPC on 09.11.2017 in Spl.S.C.104 of 2016 by the learned Third Additional District and Sessions Judge [Special Court for SC/ST Act Cases], Madurai and has been sentenced to undergo various terms of imprisonment, the maximum being seven years rigorous imprisonment, challenging which, the petitioner / appellant [A1] has filed Crl.A.(MD)No.511 of 2017 and has filed the present petition for suspension of sentence and release on bail. The petitioner / appellant [A1] has not even paid the fine. There cannot be any suspension on payment of fine.



along with two others have gone to the house of Muttaikose [PW-2] and has called him out. When he came out, it is alleged that the accused had attacked him resulting in serious injuries. Since the victims belonged to Scheduled Caste community, the police had included the offences under Sections 3(2)(v) and 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the petitioner / appellant [A1]. But, however, the trial Court has acquitted him of the charges.

3. The learned counsel appearing for the petitioner / appellant [A1] submitted that there is no cogent evidence against the petitioner / appellant [A1], inasmuch as the evidence of Raja [PW-1] contradicts the evidence of Muttaikose [PW-2] and Thirupathy [PW-3].

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case and that there are arguable points in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner / appellant [A1] is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Third Additional District and Sessions Court [PCR] [Special Court for SC/ST Act Cases), Madurai and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner / appellant [A1] shall appear before the Trial Court on the first working day of every month until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
23/03/2018

/ TRUE COPY /

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



- TO
- 1 THE III ADDITIONAL DISTRICT &
SESSIONS JUDGE (PCR) MADURAI
 - 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI
 - 3 THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR RANGE, MADURAI DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
NAGAMALAIPUDUKOTTAI POLICE STATION
PUDUKOTTAI DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.K.SIVABALAN Advocate SR.No.4676

ORDER
IN
CRL MP (MD) No.11518 of 2017
IN
CRL A (MD) No.511 of 2017
Date :23/03/2018

SMA/CM-VR/SAR-1/26.03.2018:3P/7C