



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

Wednesday, the First day of August Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL MP(MD) No.11578 of 2017
IN
CRL A(MD) No.518 of 2017

KUMAR @ KATHIRESAKUMAR

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REPRESENTED THROUGH,
THE INSPECTOR OF POLICE,
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.150 OF 2012.

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the Additional District & Sessions Court, Ramanathapuram in S.C.No.55 of 2015, dated 11.07.2017, 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.P.SEPANA ALIAS SREE, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

Petitioner is arrayed as the sole accused in S.C.No.55 of 2015, on the file of the Additional District & Sessions Court, Ramanathapuram and under Judgment dated 11.07.2017 he has been convicted and sentenced as follows:

Offence	Sentence
302 IPC	To undergo life imprisonment and also to pay fine sum of Rs.5000/- in default to undergo one year of simple imprisonment



Petitioner has come forward with the above Miscellaneous Petition, seeking relief of suspension of sentence pending appeal.

2. The case of the prosecution is that the accused strangled his father as a result of which, he died. Case was registered in Crime No.150 of 2012, on the file of the respondent police and the same on completion of investigation, filing of final report and on committal was tried by the Additional District and Sessions Judge, Ramanathapuram, in S.C.No 55 of 2015 and under Judgment dated 11.07.2017, the accused was convicted for the offence, stated supra.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. Considering the facts and circumstances of the case and the submission of both sides and also considering that the appeal is not likely to be heard in the near future, this Court considers it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

6. Accordingly, the present Miscellaneous Petition is allowed and substantive sentence of imprisonment alone is suspended in respect of the petitioner/accused 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 Additional District and Sessions Judge, Ramanathapuram and on further condition that petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

sd/-
01/08/2018

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM

2 THE INSPECTOR OF POLICE,
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

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

+1. C.C. to Mr.P.SEPANA ALIAS SREE, Advocate SR.No.14636

ORDER
IN
CRL MP (MD) No.11578 of 2017
IN
CRL A (MD) No.518 of 2017
Date :01/08/2018

PK/PN/SAR-1/03.08.2018 : 3P/6C