



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

Friday, the Twenty Third day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.11608 of 2017

IN

CRL A(MD) No.519 of 2017

1 SUNDARAPANDI

2 KARTHICK

... PETITIONERS/APPELLANTS/
ACCUSED Nos.2 and 3

Vs

1 STATE REPRESENTED BY
DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR,MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
CRIME No.375/2014

... RESPONDENTS/RESPONDENTS/
COMPLAINANTS

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 on the Petitioners/Accused in S.S.C No. 104/2016 dated 9.11.2017 on the file of the learned III Additional District and sessions Judge (PCR) Madurai and enlarge them on bail pending disposal of the appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.G.K.KARUPPASAMY PANDIAN, Advocate for the petitioners and of M/S.M.ASOKAN, Government Advocate on behalf of the Respondents the court made the following order:-

Reserved on	Pronounced on
09.01.2018	23.03.2018

The petitioners/appellants [A2 & A3] have been convicted in Spl.S.C.104 of 2016, by the learned Third Additional District and Sessions Judge [Special Court for SC/ST Act Cases), Madurai, for the offences under Sections 307 r/w 34, 324 r/w 34 [two counts] and 294 on 09.11.2017 and have been sentenced to undergo various terms of imprisonment, the maximum being seven years rigorous imprisonment, challenging which, the petitioners/



appellants [A2 & A3] have filed CrI.A.(MD)No.519 of 2017 and have filed the present petition for suspension of sentence and release on bail and the fine amount has been paid by the petitioners/appellants [A2 & A3].

2. It is the case of the prosecution that on 10.08.2014, on account of previous enmity, it is alleged that Shanmugavel @ Shanmugam [A1] had attacked Muttaiakose [PW-2] with a knife and Sundarapandi [A2] & Karthick [A3] herein attacked him with knives causing injuries on his neck, shoulder and back.

3. The learned counsel appearing for the petitioners / appellants [A2 & A3] submitted that the evidence of Muttaiakose [PW-2] is not inconsonance with the Accident Register entry and there are several contradictions in the evidence of the prosecution witnesses, which the trial Court had failed to appreciate.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners 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 petitioners herein are entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners/appellants [A2 & A3] are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a likesum to the satisfaction of the learned III Additional District and Sessions Judge [PCR], 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 petitioners / appellants [A2 & A3] shall appear before the Trial Court on the first working day of every month until the disposal of the appeal and if they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

sd/-
23/03/2018

/ TRUE COPY /



TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
MADURAI

2 DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

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

+1. C.C. to M/S.AK.AZAGARSAMI, Advocate SR.No.4709

ORDER

IN

CRL MP (MD) No.11608 of 2017

IN

CRL A (MD) No.519 of 2017

Date : 23/03/2018

PK/RR-CSL/SAR-1/26.03.2018 : 3P/7C