



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

Monday, the Eleventh 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.3168 of 2018
IN
CRL A(MD) No.196 of 2018

SURESH

... PETITIONER/APPELLANT/ACCUSED No.2

Vs

STATE REP.BY,
THE ASSISTANT COMMISSIONER
ANNA NAGAR CIRCLE,
K.PUDUR POLICE STATION,
MADURAI, CRIME NO.317/2015.

... RESPONDENT/RESPONDENT/COMPLAINANT

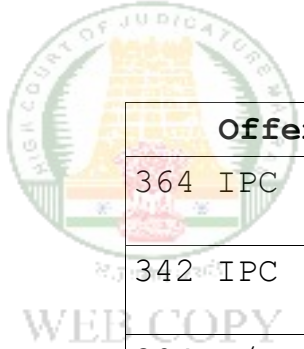
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner/appellant/accused No.2 by the Learned III Additional District and Sessions Judge (PCR) Court, Madurai in Spl.S.C.No.17/2016 dated 12/03/2018 and enlarge petitioner 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.R.MANICKARAJ, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

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

Petitioner was arrayed as second accused in Spl.S.C.No.17 of 2016 on the file of learned III Additional District and Sessions Judge, (PCR Court), Madurai and under judgment dated 12.03.2018, he has been convicted and sentenced as follows:

Offence	Sentence
379 IPC	1 year R.I. and fine of Rs.500/- i/d 1 month S.I.



Offence	Sentence
364 IPC	10 years R.I. and fine of Rs.1,000/- i/d 6 months S.I.
342 IPC	1 year R.I. and fine of Rs.500/- i/d 1 month S.I.
394 r/w 397 IPC	10 years R.I. and fine of Rs.1,000/- i/d 6 months S.I.
302 r/w 34 IPC	L.I. and fine of Rs.2,000/- i/d 1 year S.I.

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

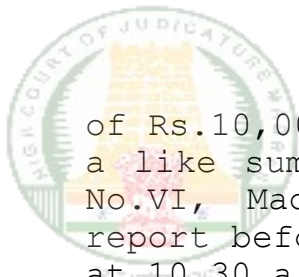
2.The case of the prosecution was that the accused were friends and in order to settle in life, they planned to commit murder for gain and in pursuance thereof, they stole a Maruthi Omni car and using the same, they kidnapped the deceased, who belonged to a scheduled caste community, robbed his chain and bag and murdered him. A case was registered on 30.03.2015 and the same on completion of investigation, filing of final report and committal came up for trial before learned III Additional District and Sessions Judge, Special Court for PCR Cases, Madurai in Spl.S.C.No.17 of 2016 and under judgment dated 12.03.2018, accused no.2, the petitioner herein, was convicted as above.

3.Heard the learned counsel for petitioner and Mr.S.Chandrasekarn, learned Additional Public Prosecutor appearing for respondent.

4.Learned Additional Public Prosecutor, contended that the prosecution has established its case beyond all reasonable doubt and the minor discrepancies found in the evidence of the prosecution witnesses will not affect the prosecution case in its entirety. He strongly opposed to the grant of 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 according to learned counsel for petitioner, there are several infirmities in the prosecution case in respect of petitioner, this Court has considered it appropriate to grant the relief of suspension of sentence to A1 in CrI.M.P.(MD)No.2631 of 2018 in CrI.A.(MD)No.163 of 2018, 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 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 Judicial Magistrate No.VI, Madurai, 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.

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sd/-
11/06/2018

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

TO

- 1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR PCR CASES, MADURAI.
 - 2 THE JUDICIAL MAGISTRATE NO.VI, MADURAI
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
 - 4 THE ASSISTANT COMMISSIONER
ANNA NAGAR CIRCLE, K.PUDUR POLICE STATION,
MADURAI,
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to MR.R.MANICKARAJ, Advocate SR.No.10140

ORDER
IN
CRL MP(MD) No.3168 of 2018
IN
CRL A(MD) No.196 of 2018
Date :11/06/2018

PK/PN/VK/14.06.2018 : 3P/8C