



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

Saturday, the Twenty Eighth day of April 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.2912 of 2018
IN
CRL A(MD) No.182 of 2018

1 KUMAR
2 MURUGESAN

... APPELLANT/ACCUSED 1 & 2

Vs

THE STATE REPRESENTED BY
THE INSEPCTOR OF POLICE
SIRUGANUR POLICE STATION,
TIRUCHIRAPPALLI DISTRICT,
(CRIME NO.56 OF 2015)

... 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 of imprisonment imposed by the Learned Principal Sessions Judge, Tiruchirappalli dated 07.03.2018 in SC.No. 30 of 2017 and enlarge the Petitioner/ Appellant on bail pending disposal of the above Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.P.PETHU RAJESH, Advocate for the petitioner and of Mr.R.ANANDARAJ, Additional Public Prosecutor on behalf of the Respondent and the court made the following order:-

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

Petitioners are arrayed as accused in S.C.No.30 of 2017, on the file of the learned Principal Sessions Judge, Trichirappalli and under Judgment dated 07.03.2018, they have been convicted and sentenced as follows:

Offence	Sentence
294(b) IPC	each accused to undergo imprisonment for three months.



Offence	Sentence
302 IPC	each accused to undergo imprisonment for life and to pay a fine of Rs.2,000/- each, in default to undergo rigorous imprisonment for three years.

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

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that the deceased fell in love with one Malar. Taking advantage of the same, the brothers of Malar, the accused herein, used to demand money from the deceased. On 08.05.2015, at about 06.00, p.m., at Poyyeri Forest Range, the deceased was grazing goats and at that time, the second accused came and demanded a sum of Rs.70,000/-. The deceased had refused to grant money. This resulted in a quarrel between the deceased and the second accused. The first accused also came there and joined hands with the second accused. The first accused assaulted the deceased with aruval on the back side of his neck and over his head and the second accused also attacked the deceased with aruval on his stomach, back and right leg. The deceased fell down in a pool of blood and died. Case was registered in Crime No.56 of 2015, 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 learned Principal Sessions Judge, Tiruchirappalli, in S.C.No.30 of 2017 and under Judgment dated 07.03.2018, the accused were convicted for the offences under Sections 294(b) and 302 of the Indian Penal Code.

4. Learned counsel for the petitioners submits that the solitary evidence of PW-5, cannot be relied upon. In order to corroborate the evidence of PW-5, the prosecution have examined PW-6, PW-9 and PW-10, but, they have not supported the case of the prosecution in any manner. Learned counsel further submits that there is contradiction with regard to the recovery of weapons allegedly used by the accused. Learned counsel further submits that the petitioners are confined at Central Prison, Trichy. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence imposed on the petitioners/accused.

5. Per contra, learned Additional Public Prosecutor contended that the prosecution has established its case beyond all reasonable doubt. He strongly opposed grant of relief of suspension of sentence to the petitioners.

<https://hcservices.courts.gov.in/hcservices/> 6. 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.

7. Accordingly, the substantive sentence of imprisonment alone is suspended in respect of the petitioners/accused and they are directed to be enlarged on bail on condition that they shall execute a separate 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, Illakudi and on further condition that petitioners shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

sd/-
28/04/2018

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE
TIRUCHIRAPALLI
- 2 THE JUDICIAL MAGISTRATE
ILLAKUDI
- 3 -do- thro' THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 4 THE INSEPCTOR OF POLICE
SIRUGANUR POLICE STATION,
TIRUCHIRAPPALLI DISTRICT
- 5 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.P.PETHU RAJESH Advocate SR.No.7862

ORDER
IN
CRL MP (MD) No.2912 of 2018
IN
CRL A (MD) No.182 of 2018
Date : 28/04/2018