



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

Wednesday, the Sixth 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.3036 of 2018
IN
CRL A(MD) No.186 of 2018

1 DEVANESAN,
2 SARATH,
3 PANDI @ THANGAPANDI,
4 SELVAM,

... PETITIONERS/APPELLANTS 1-4/

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SAAPTUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.110/2013)

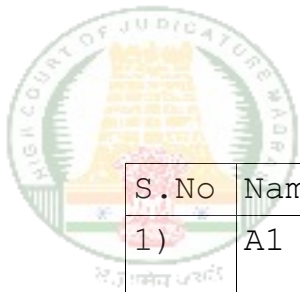
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the court below by judgment dated 01.03.2018 in S.C.No.288/2015 on the file of the Learned Sixth Additional District Judge, Madurai 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.VEERA KATHIRAVAN, Senior Counsel for M/S.VEERA ASSOCIATES, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor for the respondent, the court made the following order:-

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

Petitioners are arrayed as accused Nos.1 to 4 in S.C.No.288 of 2015, on the file of the VI Additional District Court, Madurai and under judgment dated, 01.03.2018 they have been convicted for offences u/s.302 IPC r/w 34 IPC and sentenced as follows:



S.No	Name of Accused	Offences	Sentence
1)	A1 to A4	302 IPC r/w 34 IPC	To undergo Life Imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months Simple Imprisonment

Petitioners have come forward with the above miscellaneous petition seeking relief of suspension of sentence pending appeal.

2.The learned counsel appearing for the petitioners submit that the complaint was given by P.W.1 only against four persons and in the charge sheet, 10 persons were arrayed as accused.

3.The case of the prosecution is that on 28.07.2013 at 2.30 p.m., when the deceased and P.W.5 were on a motor-cycle, which was un-registered, allegedly belonging to the deceased, the petitioners attacked the deceased resulting in immediate death. P.W.5 has admitted that she is the immediate relative of the deceased. She had not been subjected to any medical examination despite having offered minor injuries owing to the occurrence.

4.Besides informing other infirmities, the learned Senior Counsel submitted that admittedly, the Investigating Officer P.W.17 was at the scene of occurrence even before the registration of the FIR. The deceased was a rowdy element.

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 petitioners, there are several infirmities in the prosecution case in respect of petitioners, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioners herein. Keeping in view of



these facts, we are inclined to suspend the substantive portion of sentence imposed on petitioner.

Accordingly, the **substantive sentence of imprisonment alone is suspended in respect of petitioners** and they are directed to be enlarged on bail on condition that they shall execute a bond in a sum of Rs.10,000/- [Rupees ten thousand only] each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti and on further condition that petitioners shall report before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

sd/-
06/06/2018

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

TO

- 1 THE VI ADDITIONAL DISTRICT JUDGE, MADURAI
- 2 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI
- 3 THE INSPECTOR OF POLICE,
SAAPTUR POLICE STATION, MADURAI DISTRICT.
- 4 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
- 5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S.VEERA ASSOCIATES Advocate SR.No.9595

ORDER IN
CRL MP(MD) No.3036 of 2018
IN
CRL A(MD) No.186 of 2018
Date :06/06/2018