



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

Monday, the Twenty Third 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.3039 of 2018

IN

CRL A(MD) No.479 of 2017

GEORGE

... PETITIONER/APPELLANT

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE  
SATHANKULAM POLICE STATION, SATHANKULAM,  
THOOTHUKUDI DISTRICT,  
(IN CR NO. 224/2015)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and grant bail to the petitioner/appellant in S.C.No. 83/2016 Judgment dated 17.11.2017 on the file of the learned I Additional District and Sessions Judge, Thoothukudi, 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.B.TAMILNIDHI, Advocate for Mr.ANTONY S.PRABAHAR, Advocate for the petitioner and of Mr.R.ANADHARAJ, Additional Public Prosecutor for the Respondents and the court made the following order:-

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

Petitioner is arrayed as accused No.1 in S.C.No.83 of 2016, on the file of the Learned I Additional District and Sessions Judge, Thoothukudi, and under judgment dated 17.11.2017, he has been convicted for the following offences:-

| Offence        | Sentence          |
|----------------|-------------------|
| 294(b) I.P.C.  | 3 months S.I.     |
| 341 I.P.C.     | 1 month S.I.      |
| 506(ii) I.P.C. | 2 years S.I.      |
| 302 I.P.C.     | Life imprisonment |



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

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

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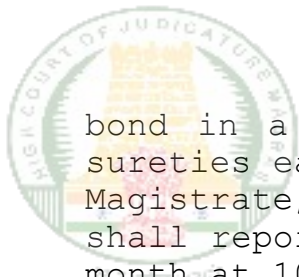
3. The case of the prosecution was that due to previous enmity regarding election to Church Diocese on 16.05.2015, the accused/1st appellants chased the accused and while A2 and A3 had caught hold of the deceased, petitioner/A1 caused single stab injury on the left side of the neck and committed murder. A case was registered on 16.05.2015 and the same on completion of investigation, filing of final report and committal came up for trial before learned I Additional District and Sessions Judge, Thoothukudi in S.C.No.83 of 2016 and under judgment dated 17.11.2017, petitioner/A1 was convicted for offences under Sections 294(b), 341, 506(ii) and 302 I.P.C.

4. Learned counsel for petitioner submitted that from the evidence of P.W.1 and P.W.2, particularly that of P.W.2, who has been treated as hostile, the occurrence has taken place in the midst of a quarrel, while A2 and A3 had caught hold of the deceased, petitioner/A1 is alleged to have caused single stab injury on the left side of the neck, which proved fatal. Learned counsel also submitted that the occurrence had taken place on 16.05.2015 at 00.30 a.m. and Ex.P.14 F.I.R. was registered on 16.05.2015 at 2.30 a.m., but P.W.1 in his cross-examination deposed that the complaint was lodged at 5.00 a.m. Learned counsel pointed out the un-natural circumstance that while the deceased was taken from the scene by the general service ambulance answering to a call on '108', neither P.W.1, father nor mother of the deceased as also their immediate friends who alledgedly were at the scene accompanied the deceased to hospital. Learned counsel for petitioner further submits that the petitioner is in incarceration from 17.05.2016 and presently is confined at Central Prison, Palayamkottai. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioner herein.

5. Per contra, 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 the relief of suspension of sentence to petitioner.

6. Considering the facts and circumstances of the case and the submission of both sides, this Court considers it appropriate to suspend the substantive portion of sentence imposed on petitioner.

7. Accordingly, the substantive sentence of imprisonment alone is suspended in respect of petitioner / accused No.1 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 learned Judicial Magistrate, Sathankulam, 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/-  
23/04/2018

/ TRUE COPY /

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

TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
THOOTHUKUDI
- 2 THE JUDICIAL MAGISTRATE  
SATHANKULAM
- 3 -do- thro' THE CHIEF JUDICIAL MAGISTRATE  
THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE  
SATHANKULAM POLICE STATION, SATHANKULAM,  
THOOTHUKUDI DISTRICT
- 5 THE SUPERINTENDENT  
CENTRAL PRISON, PALAYAMKOTTAI
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to Mr.ANTONY S.PRABAHAR Advocate SR.No.6884

ORDER  
IN  
CRL MP(MD) No.3039 of 2018  
IN  
CRL A(MD) No.479 of 2017  
Date :23/04/2018

sj  
SH/CM-VR/RNB: 25.04.2018:3p/8c