



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

Friday, the Twenty Second 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.3180 of 2018
IN
CRL A(MD) No.198 of 2018

JEYAKUMAR

... PETITIONER/APPELLANT/
ACCUSED (SINGLE)

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
PALAVOOR POLICE STATION,
TIRUNELVELI DISTRICT,
IN CR NO. 89 OF 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 enlarge the petitioner on bail by suspending the sentence imposed by the learned I Additional District and Sessions Judge, Tirunelveli, Tirunelveli district in S.C.No. 91 of 2016 dated 20.02.2018 pending disposal of the main Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr. A.KESAVAN, 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 passed by **C.T.SELVAM, J.**]

Petitioner is arrayed as accused in S.C.No.91 of 2016, on the file of the Learned I Additional District and Sessions Judge, Tirunelveli, and under judgment dated 20.02.2018, he has been convicted for the offence under Section 302 and sentenced to undergo life imprisonment and a fine of Rs.5,000/- in default to undergo one year S.I. Petitioner has come forward with the above miscellaneous petition, seeking relief of suspension of sentence pending appeal.



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

3. The case of the prosecution was that due to property dispute, on 29.03.2015 at 1.30 p.m., the accused with an intention to commit the murder of his grand-mother Reeta Ammal trespassed into her house and entered into wordy altercation with her and stabbed on her neck forcibly with knife and caused her death. A case was registered on the same day 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, Tirunelveli in S.C.No.91 of 2016 and under judgment dated 20.02.2018, Accused was convicted and sentenced as stated above.

4. The learned counsel for the petitioner submitted that the prosecution case is totally false, but even if the same be accepted for the purpose of appreciation of this petition seeking suspension of sentence, it is the evidence of P.W.3 - grand-daughter of the deceased that she and the deceased, who was also a grandmother to the appellant, were in conversation inside a room, when the appellant barged thereinto, the deceased stared at him and he consumed brandy in her presence, the deceased rebuked him saying "you are here on the wedding day, you were born in an inauspicious time and with your presence, nothing good will come by". Provoked, the appellant/accused stated that "since from a very young age, you have been rebuking me so and you should not live". Thereafter, he took the knife and gave a single blow to the neck and ran away. The learned counsel submits that the above evidence reflects not only the case of sudden provocation, but also sustained provocation.

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 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 I Additional District and Sessions Judge, Tirunelveli,



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/-
22/06/2018

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

TO

- 1 THE I ADDITIIONAL DISTRICT
AND SESSIONS JUDGE, TIRUNELVELI
- 2 THE JUDICIAL MAGISTRATE
VALLIYOOR, TIRUNELVELI DISTRICT
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 4 THE INSPECTOR OF POLICE
PALAVOOR POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI

+1. C.C. to M/S. A.KESAVAN Advocate SR.No.11124

SJ
GJM/RR/CSL/GSR/25.6.18-3P-8C

ORDER
IN
CRL MP (MD) No.3180 of 2018
IN
CRL A (MD) No.198 of 2018
Date :22/06/2018