



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

Tuesday, the Tenth day of July Two Thousand Eighteen

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3439 of 2018

IN

CRL A(MD) No.212 of 2018

KAMARAJ

... PETITIONER/APPELLANT

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.
(CRIME NO.363/2016)

... RESPONDENT/RESPONDENT

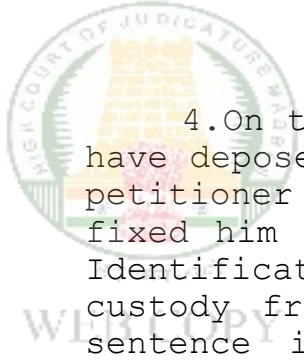
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the Sentence of Imprisonment imposed by the learned Additional Sessions Judge, Karur in S.C.No.17 of 2017 by the Judgment dated 28.12.2017 and enlarge the Petitioner/Accused on bail, pending disposal of the above said Criminal Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.DEENADHALAYAN, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) on behalf of the Respondents the court made the following order:-

Heard Mr.S.Deenadhalayan, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This Petition is filed to suspend the sentence passed against the petitioner imposed by the learned Additional Sessions Judge, Karur in S.C.No.17 of 2017 dated 28.12.2017 pending disposal of the Criminal Appeal.

3.The case of the petitioner is that after the trial, the trial Court convicted the petitioner under Sections 394 and 397 IPC and sentenced him to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo one month Simple Imprisonment for the offence under Section 394 IPC and sentenced to undergo seven years Rigorous Imprisonment for the offence under Section 397 IPC and both the sentences were ordered to run concurrently.



4. On the side of the petitioner, it is stated that P.Ws.3 and 4 have deposed that some unknown person has committed the offence. The petitioner is a pump set mechanic and the respondent Police has fixed him as an accused just because he is in need of money. Test Identification Parade is not conducted. The petitioner is in custody from 28.12.2017 onwards. Hence, he prayed to suspend the sentence imposed upon the petitioner till the disposal of the appeal.

6. On the side of the respondent, it is stated that the prosecution has examined 27 witnesses and marked 14 documents and seven material objects. The accused was already known P.W.1 and the question of identification is immaterial. The evidence of P.W.1 corroborated the evidence of the P.W.16, Doctor and the gold jewels were recovered from the petitioner. The petitioner used the vegetable cutting knife to cut her ear lobe and has stolen the studs and forcibly pulled the nose pins and caused injury to her nose. The injuries are corroborated by the evidence of P.W.16 and Ex.P9 and he objected to suspend the sentence imposed upon the petitioner.

7. Records perused. The offence committed by the petitioner is serious in nature. The point to be decided in this petition and in the main appeal are the same. Considering the grave nature of the offence, this Court is not inclined to suspend the sentence imposed upon the petitioner at this stage and hence, this petition is dismissed.

sd/-

10/07/2018

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

TO

- 1 THE ADDITIONAL SESSIONS JUDGE, KARUR
- 2 THE JUDICIAL MAGISTRATE NO I, KULITHALAI
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT
- 4 THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION, KARUR DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 6 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.3439 of 2018 IN
CRL A(MD) No.212 of 2018
Date :10/07/2018