



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

Thursday, the Tenth day of May Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3440 of 2018
IN
CRL RC(MD) No.256 of 2018

M.SAKTHI @ SAKTHIVEL
NOW CONFINED AT CENTRAL PRISON,
MADURAI.

... PETITIONER / PETITIONER

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT .

... 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 and fine imposed by the judgement passed by the Learned Assistant Sessions Court, Ramanathapuram in S.C.No.88/2007 dated 13/03/2015 confirming by the Judgement passed by the Learned Additional District and Sessions Judge, Ramanathapuram in C.A.No.6/2015 dated 14/03/2018 and enlarge the petitioner on bail pending disposal of the above Crl.RC

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.SARAVANAN, Advocate for the petitioner and of Mr.ASOKAN, Government Advocate(Crl.Side) on behalf of the Respondent, the court made the following order:-

Heard Mr.M.Saravanan, learned counsel appearing for the petitioner, Mr.Asokan, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This petition has been filed to suspend the sentence till the disposal the criminal revision petition. The petitioner filed the revision case against the conviction and sentence imposed by the learned Additional Sessions and District Judge,

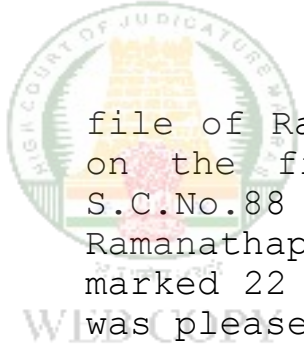


Ramanathapuram in C.A.No.6 of 2015 dated 14.03.2018 by confirming the learned Assistant Sessions Court, Ramanathapuram in S.C.No.88 of 2007, dated 13.03.2015.

3.The offence against the petitioner is that, while the defacto complainant was travelling from Trichy to Ramnad in train, on 29.10.2011 at about 11 p.m., the first accused attacked the defacto complainant and snatched the chain of the defacto complainant and his assistant. A2 to A4 taken away the leather bag possessed by the complainant and his assistant and they escaped from the train. A5 to A9 were their accomplices.

4.On the side of the petitioner, it is stated that only four persons were said to have been involved in the crime and P.Ws.3, 9 and 16 deposed that only 4 or 5 persons were ran away from the train after committing crime. It is stated that the petitioner was arrested after two years and 55 days from the date of occurrence. The petitioner was impleaded in the case only based on the confession of the co-accused. It is stated that the police recovered two ingots from A9 but the ingots were not produced and were not marked. Instead of ingots only a gold rod is marked. The petitioner is in custody from 16.04.2018. No identification parade is conducted to identify the petitioner. He prayed to suspend the sentence imposed by the lower Court.

5.On the side of the respondent, it is stated that the defacto complainant was carrying 1 ½ kgs of gold jewellery from Rameshwaram to Trichy in a passenger train and his assistant Balu also was a co-passenger, was having a sum of Rs.4,60,000/- cash and gold ingots weighing 155 grams and gold jewellery weighing 165 grams. A1 and A4 in a common intention to commit theft boarded the same coach and A5 to A8 boarded in the next coach. A9 is the petitioner herein boarded in the last compartment. A1 to A4 threatened the complainant with knife and A1 attacked witnesses Balu and caused injury on his forehead and snatched his gold chain and also the gold chain of the defacto complainant and forcibly taken away the suitcase from the witness and gave the same to A2 who throw the suitcase outside the train through the window and when the accused attempted to steal another suit case which was chained to the berth of the defacto complainant, A4 stabbed the defacto complainant and hearing the wailing of the defacto complainant, other passengers rushed to the place. A1 to A4 stopped the train by pulling the chain and ran away from the train. A6 picked up the suitcase thrown outside and hence all the accused committed offence jointly. A case was registered in Crime No.285 of 2001 under Section 395 r/w. 397, 216 (A) IPC on the



file of Rameshwaram Railway Police Station. The same was taken on the file of P.R.C.No.21 of 2006 and taken on file as S.C.No.88 of 2007 by the learned Assistant Sessions Judge, Ramanathapuram. The prosecution examined 25 witnesses and marked 22 documents and 12 material objects and the trial Court was pleased to convict the accused.

6.The accused preferred criminal appeal in C.A.No.6 of 2015 before the learned first Appellate Court and the learned first Appellate Court confirmed the verdict passed by the trial Court on 14.03.2018, and that only on confession of the revision petitioner on 24.12.2003, two gold ingots were recovered and were marked as M.Os.11 and 12. The confession of the revision petitioner is marked as Ex.P.20 and both the Courts convicted the petitioner and committing dacoity against innocent railway passengers is a grave offence and suspending the sentence imposed by the first Appellate Court is a wrong signal to the Society and prayed that this petition to be dismissed.

7.Records perused. From the records, it is seen that the offence is grave in nature whether the petitioner is having valid ground to reconsider the matter can be decided only after hearing the criminal revision case in detail. Considering that the offence is dacoity which is grave in nature and that the allegation against the petitioner and others is that they attacked the innocent railway passengers and that committing dacoity is a crime against the Society, this Court is not inclined to grant suspension of sentence imposed by the first Appellate Court against the petitioner at this stage. Hence, this petition is dismissed.

sd/-
10/05/2018

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

TO

1 THE ASSISTANT SESSIONS JUDGE
RAMANATHAPURAM

2 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM



3 THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT .

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.M.SARAVANAN Advocate SR.No.8448

MRN

JAM/11/05/2018/ PN/ASVM /4P-7C

ORDER
IN
CRL MP (MD) No.3440 of 2018
IN
CRL RC (MD) No.256 of 2018
Date :10/05/2018