



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

Wednesday, the Twentieth 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.3607 of 2018

IN

CRL A(MD) No.234 of 2018

SOORYA ... PETITIONER / APPELLANT / ACCUSED No.3
NOW CONFINED AT CENTRAL PRISON,
MADURAI

Vs

THE STATE REPRESENTED BY
THE DEPUTY SUPERINTENDENT OF POLICE,
UMATCHIKULAM SUB DIVISION,
KARUPPAYURANI POLICE STATION,
CRIME NO.306/2017,
MADURAI DISTRICT.

... RESPONDENT / RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence by granting bail in Spl.SC.No.77/2017 dated 18/04/2018 on the file of the IIIrd Additional Sessions Judge (PCR), Madurai, Madurai District.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.V.KATHIRVELU, Senior Counsel for Mr.K.PRABHU, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

Petitioner is arrayed as accused No.3 in Special S.C.No.77 of 2017, on the file of the Learned III Additional District and Sessions Judge, (PCR), Madurai, and under judgment dated 18.04.2018, he has been convicted for the following offences:-

Offence	Sentence
341 r/w 34 I.P.C. r/w Section 3 (2) (va) of SC/ST (Prevention of Atrocities) Act	1 month S.I. and fine of Rs.500/- i/d 7 days S.I.
Section 3(1) (s) of SC/ST (Prevention of Atrocities) Act r/w 34 I.P.C.	3 years R.I. and fine of Rs.1,000/- i/d 6 months S.I.
307 r/w 34 I.P.C. r/w Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Act	Life imprisonment and fine of Rs.3,000/- i/d 1 Year S.I.

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

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

3. The case of the prosecution was that due to previous enmity between the victim and accused owing to the help tendered by the victim to one Parthiban in his attempt to marry the sister of first accused, they abused the victim, who belonged to Scheduled Caste Community, touching upon his caste name and attempted to murder him. A case was registered on 18.08.2017 and the same on completion of investigation, filing of final report and committal came up for trial before learned III Additional District and Sessions Judge, Special Court for PCR Cases, Madurai in Special S.C.No.77 of 2017 and under judgment dated 18.04.2018, Accused No.3 was convicted and sentenced as stated above.

4. Amidst other submissions, learned Senior Counsel for petitioner submitted that the petitioner/A3 has not been named in the F.I.R., even according to the prosecution, P.W.1/injured has suffered a grievous injury to the wrist at the hands of A1, no overt act is attributed to the petitioner and the petitioner has been in custody from 18.04.2018. Learned Senior Counsel for petitioner further submits that the petitioner presently is confined at Central Prison, Madurai. 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 petitioner had accompanied the other two accused to the bus stop, where P.W.1 was present and the petitioner also shared common intention of causing the death of P.W.1 and A1 aimed at the head of P.W.1 with Aruval and in avoiding the same P.W.1 suffered grievous injury to the wrist. Therefore, the petitioner shared intention to do away with P.W.1. 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.3 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 III Additional District and Sessions Judge, Special Court for PCR Cases, Madurai, 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.

sd/-
20/06/2018

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

TO

- 1 THE IIIRD ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR PCR CASES,
MADURAI, MADURAI DISTRICT
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
UMATCHIKULAM SUB DIVISION,
KARUPPAYURANI POLICE STATION,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to MR.K.PRABHU Advocate SR.No.10849

SJ
JAM/21/06/2018/ PN /VK / 3P-6C

ORDER
IN
CRL MP (MD) No.3607 of 2018
IN
CRL A (MD) No.234 of 2018
Date :20/06/2018



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