



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

Monday, the Ninth day of July Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice C.T.SELVAM

and

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.3961 of 2018
IN CRL A(MD) No.262 of 2018

THANEETH

... PETITIONER/ APPELLANT/
ACCUSED NO.1

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
UMATCHIKULAM CIRCLE,
KARUPPAYURANI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.306/2017

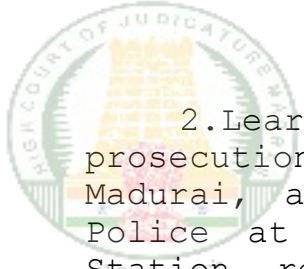
... RESPONDENT/ RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner/appellant/accused No.1 by the Learned III Additional District and Sessions Judge (PCR Court), Madurai in Spl.S.C.No.77/2017 dated 18/04/2018 and enlarge on bail, pending disposal of the above Crl.A.

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

Petitioner is arrayed as first accused in Spl.S.C.No.77 of 2017 on the file of the III Additional District and Sessions Judge, (PCR Court), Madurai, and under judgment dated 18.04.2018 he has been convicted for offences u/s.341 r/w 34 r/w 3(2)(va) of SC / ST (POA) Amendment Act, 2015 IPC. Petitioner is sentenced to undergo one month Simple Imprisonment and to pay a fine amount of Rs.500/- in default to undergo 7 days Simple Imprisonment under Section 3(1)(s) r/w 34 of ST / ST (POA) Amendment Act, 2015 and sentenced to undergo 3 years R.I. and to pay fine of Rs.1,000/- in default to undergo 6 months S.I. under Section 307 r/w 34 of IPC r/w 3(2)(v) of ST / ST (POA) Amendment Act, 2015 and sentenced to undergo life imprisonment and imposed a fine of Rs.3,000/- in default to undergo on year S.I. Petitioner has come forward with the above miscellaneous petition seeking relief of suspension of sentence pending appeal.



2.Learned counsel for petitioner submits that according to prosecution, P.W.1 was admitted at Rajaji Government Hospital, Madurai, and statement was recorded by P.W.10, Sub Inspector of Police at 11.00 a.m., who thereafter, proceeded to the Police Station, registered a case in Crime No.287 of 2016 for the offence under Sections 341 r/w 34 r/w 3(2)(va) of SC / ST (POA) Amendment Act, 2015 IPC. at 12.00 p.m. As against this version, it is the evidence of P.W.2, Traffic Police Constable that immediately upon witnessing the occurrence, he had informed Police Authorities, and particularly that when the Deputy Superintendent of Police was at the scene, he had narrated the incident and a statement was recorded at about 9.15 a.m. Learned counsel for petitioner submitted that this necessarily implies suppression of genesis of the case. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioner herein.

3.Per contra, Mr.S.Chandrasekar, 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.

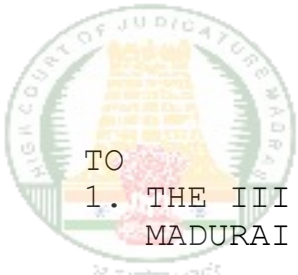
4.Considering the facts and circumstances of the case, that it is not possible for the Court to take the Criminal Appeal in the near future, that there are arguable points and according to learned counsel for petitioner, there are several infirmities in the prosecution case in respect of petitioner, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein. Keeping in view of these facts, we are inclined to suspend the substantive portion of sentence imposed on petitioner.

5.Accordingly, the **substantive sentence of imprisonment alone is suspended in respect of petitioner** 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 (PCR Court), 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/-
09/07/2018

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



TO

1. THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, (PCR),
MADURAI.

2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
UMATCHIKULAM CIRCLE, KARUPPAYURANI POLICE STATION,
MADURAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.M.JEGADEESH PANDIAN Advocate SR.No.12544

ORDER

IN

CRL MP (MD) No.3961 of 2018

IN

CRL A (MD) No.262 of 2018

Date :09/07/2018

MS/VR/GSR/17.07.2018/3P.6C