



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

Thursday, the Fifth 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.4065 of 2018

IN

CRL A(MD) No.217 of 2018

1 PRATHAP

2 CHANDRU

... PETITIONERS/ APPELLANTS

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

UPPILIYAPURAM POLICE STATION,

TRICHY DISTRICT.

CRIME NO.80/2016

... 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 and conviction imposed by the Learned 1st Additional District and Sessions Judge (PCR), Trichy dated 04/04/2018 made in S.C.No.204/2016.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.SEDHAARAJAN, Advocate for M/S.VEERA ASSOCIATES for the petitioners and of Mr.S.CHANDRASEKARN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

Petitioners were arrayed as accused in S.C.No.204 of 2016, on the file of the 1st Additional District and Sessions Judge, (PCR) Trichy and under judgment dated 04.04.2018, the first appellant has been convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment and a fine of Rs.5000/- in default to undergo one year R.I and the second appellant has been convicted for the offence under Section 302 IPC r/w Section 114 I.P.C to undergo life imprisonment and also to pay a sum of Rs.5000/- in default to undergo R.I for one year and both the appellants were convicted for offence under Section 449 IPC and sentenced to undergo rigorous imprisonment for 7 years and also to pay a find of Rs.1000/- each and I default to undergo six months rigorous imprisonment and both the sentences shall run concurrently. Petitioners have come forward with the above miscellaneous petition, seeking relief of suspension of sentence pending appeal.



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

3. The case of the prosecution is that the deceased was done to death at a occurrence, which took place inside the house at 11.30 a.m on 22.03.2016 and the same was witnessed by P.W.1.

4. The learned counsel for the petitioners submits that according to the prosecution, the deceased had been taken to Namakkal Government Hospital at about 1.10 p.m and she had been declared dead. As admitted by the Investigating Officer, P.W.27-Doctor, who admitted the deceased into the hospital, had not been examined. The accident register copy had also not been marked in court at the trial. Though both P.W.23 the Sub-Inspector of Police and P.W.27 the Investigating Officer have admitted to receipt of information from hospital regards death of the deceased. The First Information Report has been registered at the instance of P.W.1, the father of the deceased, only at 8.00 p.m upon his appearance before the Upplipalayam Police Station. The learned counsel submits that such position leads to the inference that the genesis of the occurrence has been suppressed.

5. Heard learned Additional Public Prosecutor on the above submission. He 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 petitioners.

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 petitioners.

7. Accordingly, the substantive sentence of imprisonment alone is suspended in respect of petitioners/ accused and they are directed to be enlarged on bail on condition that they shall execute a separate 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 1st Additional District and Sessions Judge, (PCR) Trichy and on further condition that petitioners shall report before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

sd/-
05/07/2018

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



1. THE 1st ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
TRICHY.

2. THE JUDICIAL MAGISTRATE, THURAIYUR.

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

5. THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION, TRICHY DISTRICT.

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

+1. C.C. to M/S.VEERA ASSOCIATES Advocate SR.No.12282

ORDER

IN

CRL MP (MD) No.4065 of 2018

IN

CRL A (MD) No.217 of 2018

Date : 05/07/2018

MS/MMS/SAR-2/11.07.2018/3P.8C