



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

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4573 of 2018

IN

CRL A(MD) No.280 of 2018

VELMURUGAN

(NOW CONFINING AT PALAYAMKOTTAI
CENTRAL PRISON)

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
TOWN POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.97 OF 2015

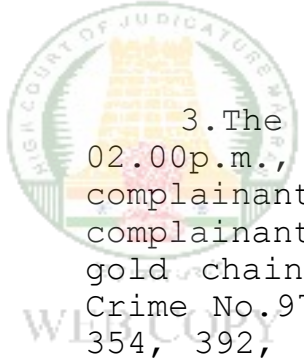
... RESPONDENT/RESPONDENT/
COMPLAINANT

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 against petitioner in S.C.No.40/2016 on the file of the Honourable Mahila Court, Tirunelveli dated 07/03/2018 and release petitioner on bail till the 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.L.M.VIJAI BOOMINATHAN, Advocate for the petitioner and of MR.K.SUYMABULINGA BHARATHI, Government Advocate(Crl.side) on behalf of the Respondent the court made the following order:-

Heard Mr.L.M.Vijai Boominathan, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.40 of 2016 on the file of the learned Mahila Court, Tirunelveli dated 07.03.2018.



3. The case of the prosecution is that on 17.02.2018 at about 02.00p.m., the petitioner entered into the house of the defacto complainant, used filthy language and attacked the defacto complainant with grinder stand stone and snatched four sovereigns of gold chain of the defacto complainant. A case was registered in Crime No.97 of 2015 for the offences punishable under Sections 451, 354, 392, 397 and 506(i) I.P.C. After trial, the trial court found the accused guilty under Section 451, 354, 392, 397 and 506(i) I.P.C. The trial Court convicted the petitioner and sentenced him to undergo two years Rigorous Imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo six months Simple Imprisonment for the offence under Section 451 of IPC and he was sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo six months Simple Imprisonment for the offence under Section 354 of IPC and sentenced to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo one year Simple Imprisonment for the offence under Section 392 r/w. 397 of IPC.

4. On the side of the petitioner, it is stated that the petitioner is in custody from 07.03.2018. The occurrence is only an accident and P.W.4 and P.W.5 are also relatives of P.W.1. He prayed to suspend the sentence imposed by the lower Court.

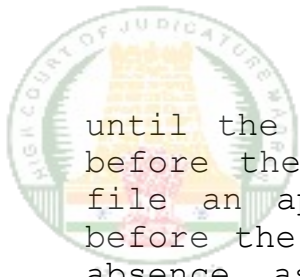
5. On the side of the respondent, it is stated that 9 witnesses were examined and 12 documents were marked. It is further stated that the petitioner and the witnesses are also close relatives. It is also stated that recovery is proved by P.Ws.4 and 5. At the time of occurrence P.W.1 was pregnant. The trial court has rightly convicted the petitioner and hence, he strongly opposed to grant suspension of sentence to the petitioner.

6. Records perused. It is stated that the petitioner is having valid ground for revision and this Court is of the view that the petitioner herein is entitled to put forth his case in this revision petition.

7. This Court is inclined to grant suspension of sentence till the disposal of the appeal, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Mahila Court, Tirunelveli and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m.,



until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

8. Post the main appeal for hearing on **13.07.2018**.

sd/-
28/06/2018

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

TO

- 1 THE JUDGE
MAHILA COURT, TIRUNELVELI
- 2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI
- 3 THE INSPECTOR OF POLICE
TOWN POLICE STATION, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL MP (MD) No.4573 of 2018
IN
CRL A (MD) No.280 of 2018
Date :28/06/2018

SMA/PMI/ASVM/03.07.2018:2P/5C