



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

Thursday, the First day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP(MD) No.8512 of 2018
IN
CRL A(MD) No.478 of 2018

KAILASAM

... PETITIONER/APPELLANT

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
CBCID, PUDUKKOTTAI IN NAGUDI POLICE STATION,
(CRIME NO.56/2007) ... 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 imposed by the Learned Additional District and Sessions Judge, Pudukkottai in S.C.No.193/2008 by the Judgment dated 16/02/2018 and enlarge the Petitioner/Appellant on bail, pending disposal of the abovesaid 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.KARUNANITHI, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court made by **M.M.SUNDRESH, J.,**]

The petitioner is the accused No.7 in S.C.No.193 of 2008, on the file of the learned Additional District and Sessions Judge, Pudukkottai and under Judgment dated 16.02.2018, he has been convicted for various offences, the maximum one being 302 IPC. Pending disposal of the Criminal Appeal, the petitioner has come forward to file the present Miscellaneous Petition seeking suspension of sentence.

2. The case of the prosecution is that in view of the previous enmity, the accused Nos 1 to 7 unlawfully assembled and the overt act against the accused No.7 is that he caught hold of the deceased

and the first accused stabbed the deceased.

3. The learned counsel appearing for the petitioner would submit that this Court by order dated 02.08.2018, in CrI.MP.(MD).No.5506 of 2018 in CrI.A(MD).No.316 of 2018, has suspended the substantive sentence of imprisonment imposed on the accused Nos.1, 4 and 6, pending disposal of the appeal.

4. We have heard the learned Additional Public Prosecutor, who would resist the grant of suspension of sentence.

5. We have considered the above submissions and perused the records carefully.

6. After considering the above submissions, we find that there are arguable points involved to be decided in the Criminal Appeal. Thus, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

7. Accordingly, the present Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended in respect of the petitioner and he is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No.I, Pudukkottai and on further condition that the petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

sd/-
01/11/2018

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.

2. THE JUDICIAL MAGISTRATE NO.I,
PUDUKKOTTAI.

3. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

4. THE INSPECTOR OF POLICE
CBCID, PUDUKKOTTAI, NAGUDI POLICE STATION.



5. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1. C.C. to MR. M.KARUNANITHI Advocate SR.No.20940

ORDER
IN
CRL MP (MD) No.8512 of 2018
IN
CRL A (MD) No.478 of 2018
Date :01/11/2018

NB
AE/PN/SAR1/02.11.2018/3P/8C