



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

Thursday, the First day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH

and

The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP(MD) No.8518 of 2018

IN

CRL A(MD) No.481 of 2018

MUTHUVEL

... APPELLANT/ SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.

IN CRIME NO.161 OF 2010

... RESPONDENT/ COMPLAIANNT

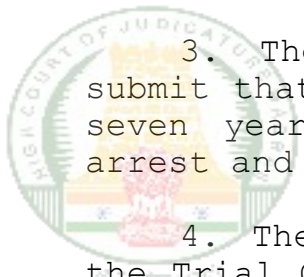
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence and release the appellant on bail pending disposal of this Criminal Appeal before this Honourable Court against the Judgement in S.C.No.169/2011 on the file of the Honourable II Additional Sessions Judge, Fast Track Court No.I, Thoothukudi dated 19/12/2011.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, Advocate for the petitioner and of Mr.CHANDRASEKARAN, 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 sole accused in S.C.No.169 of 2011, on the file of the Second Additional Sessions Judge, Fast Track Court, No.I, Thoothukudi and under Judgment dated 19.12.2011, he has been convicted for the offence under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life and convicted for the offence under Section 506(ii) IPC and sentenced to undergo rigorous imprisonment for five years. 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 pursuant to a dispute, which has arisen over a land, in which the deceased was doing cultivation, which has been sold through the efforts of the petitioner, he was attacked.



3. The learned counsel appearing for the petitioner would submit that the petitioner has been in incarceration for more than seven years. The independent witnesses have turned hostile. The arrest and recovery have not been proved properly.

4. The learned Additional Public Prosecutor would submit that the Trial Court has convicted the accused, based upon eye-witnesses account, and therefore, this petition will have to be dismissed.

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 Judicial Magistrate, Senkottai 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

/ TRUE COPY /

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

TO

1. THE II ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT NO.I, THOOTHUKUDI.
2. THE JUDICIAL MAGISTRATE, SENKOTTAI.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
OTTAPIDARAM POLICE STATION, THOOTHUKUDI DISTRICT.
5. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.R.ALAGUMANI Advocate SR.No.21219

ORDER IN
CRL MP(MD) No.8518 of 2018
IN
CRL A(MD) No.481 of 2018
Date :01/11/2018