



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

Thursday, the Second day of August 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.4887 of 2018
IN
CRL A (MD) No.284 of 2018

MURUGAN

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR DIVISION,
ALLANGANALLUR POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.451 OF 2016

... 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 in Spl.S.C.No.51/2017 dated 11/04/2018 on the file of the III Additional District and Sessions Judge (PCR), Madurai and enlarge him 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.GOPALAKRISHNA LAXMANA RAJU, Senior Counsel for Mr.C.MEENAAKSHI RAMA PRABU, Advocate for the petitioner and of Mr.R.ANANDRAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

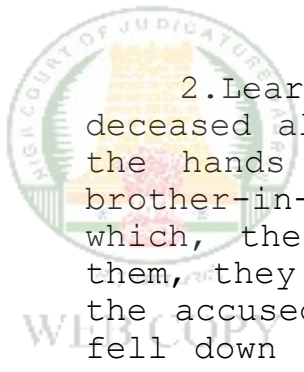
[Order of the Court made by **C.T.SELVAM, J.**]

Petitioner is arrayed as sole accused in S.C.No.51 of 2017 on the file of learned III Additional District and Sessions Judge (PCR), Madurai, and under judgment dated 11.04.2018 he has been convicted for offences u/s. 302 and 506(ii) of IPC r/w Section 3(2) (v) of SC / ST Act and sentenced as follows:

Offence	Sentence
302 IPC r/w 3(2) (v) of ST / ST Act	Life imprisonment and fine of Rs.5,000/- i/d 1 year R.I.
506(ii) IPC	7 years R.I.and fine of Rs.1,000/- i/d 6 months S.I.

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

Petitioner has come forward with the above miscellaneous petition seeking relief of suspension of sentence pending appeal.



2.Learned Senior Counsel for petitioner submitted that the deceased allegedly had suffered as many as 15 gruesome injuries at the hands of the appellant. P.W.1 and P.W.2, her husband and brother-in-law allegedly were at the scene which was a road, in which, the deceased had been traveling on a Scooty. According to them, they were following the deceased in a different vehicle, when the accused over took them, stabbed the back of the deceased, who fell down and then the accused inflicted multiple injuries. Their explanation for their not intervening viz., that they were threatened by the accused and hence, they merely stood by and watched the occurrence is not acceptable. A woman suffered as many as 15 gruesome injuries, when the deceased has been attacked by only one accused, the natural reaction of her husband and brother-in-law would be to try and save her. The deceased had been done to death on road allegedly at 7.30 pm ie., in the night hours. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioner herein.

3.Per contra, 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.

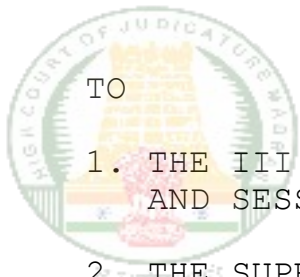
4.Considering the facts and circumstances of the case, that it is not possible for the Court to take the Criminal Appeal in the nearest future, that there are arguable points and according to learned counsel for petitioner, there are several infirmities in the prosecution case in respect of petitioner, 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.

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), 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/-
02/08/2018

/ TRUE COPY /

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,
SAMAYANALLUR DIVISION, ALLANGANALLUR POLICE STATION,
MADURAI DISTRICT.

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

+1. C.C. to Mr. C. MEENA AKSHI RAMA PRABU Advocate SR.No.14830

ORDER

IN

CRL MP (MD) No.4887 of 2018

IN

CRL A (MD) No.284 of 2018

Date : 02/08/2018

MS/PN/SAR-4/06.08.2018/3P.6C