



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

Wednesday, the First day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and
The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.4886 of 2018
IN
CRL A (MD) No.283 of 2018

1 RAJKUMAR
2 KOTTAISAMY @ GIRI

... APPELLANTS/ACCUSED No.1 AND 2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
CHECKANOORANI POLICE STATION,
MADURAI DISTRICT.
IN CR NO. 456 OF 2013

... RESPONDENT/COMPLAINANT

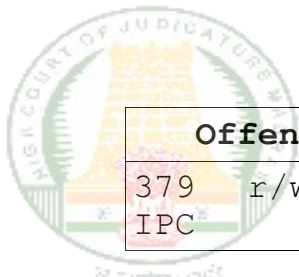
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Principal Sessions Judge, Thoothukudi in S.C.No.179/2015 by his Judgement dated 28/04/2016 and enlarge the petitioner on 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.E.SATISH RAJKUMAR, 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.,**]

Petitioners are arrayed as the accused No.1 and 2 accused in S.C.No.179 of 2015, on the file of the Principal Sessions Judge, Thoothukudi and under Judgment dated 11.04.2018 they have been convicted and sentenced as follows:

Offence	Sentence
302 r/w 34 IPC	To undergo imprisonment for life and to pay a fine of Rs.5000/- each, in default to undergo 1 month simple imprisonment each.



Offence	Sentence
379 r/w 34 IPC	To undergo 3 years rigorous imprisonment

Petitioners have come forward with the above Miscellaneous Petition, seeking relief of suspension of sentence pending appeal.

2. The case of the prosecution is that alleging that the deceased had illicit intimacy with the mother of the first accused, the first accused conspired with the second accused and they assaulted the deceased and he succumbed to the injuries. Case was registered in Crime No.456 of 2013, on the file of the respondent police and the same on completion of investigation, filing of final report and on committal was tried by the IV Additional District and Sessions Judge, Madurai, in S.C.No.179 of 2015 and under Judgment dated 11.04.2018 the accused were convicted for the offence, stated supra.

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

4. Considering the facts and circumstances of the case and the submission of both sides and also considering that the appeal is not likely to be heard in the near future, this Court considers it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

5. Accordingly, the present Miscellaneous Petition is allowed and substantive sentence of imprisonment alone is suspended in respect of the petitioners/accused No.1 and 2 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 Judicial Magistrate No.1, Usilampatti, Madurai District, and on further condition that petitioners shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

sd/-
01/08/2018

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



TO

1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI

2 THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI

3 THE JUDICIAL MAGISTRATE NO.I, USILAMPATTI, MADURAI

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI

5 THE INSPECTOR OF POLICE,
CHECKANOORANI POLICE STATION, MADURAI DISTRICT

6 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

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

+1. C.C. to Mr.E.SATISH RAJKUMAR, Advocate SR.No.14682

ORDER

IN

CRL MP (MD) No.4886 of 2018

IN

CRL A (MD) No.283 of 2018

Date :01/08/2018

PK/PN/SAR-1/03.08.2018 : 2P/9C