



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

Thursday, the Twelfth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.4943 of 2018

IN

CRL A (MD) No.292 of 2018

LAKSHMANAN

... APPELLANT/ ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.177/2008

... RESPONDENT/ COMPLAINANT

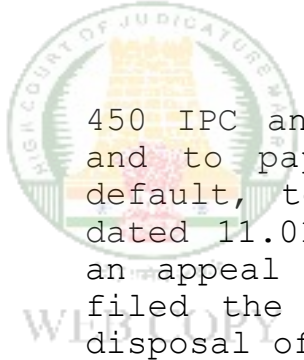
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentences which was imposed order dated 11/01/2018 in S.C.No.94/2017 on the file of the Learned Additional District and Sessions Judge, Ramanathapuram.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.T.SIVANANTHAN, Advocate for the petitioner and of Mr.CHANDRASEKARAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence, imposed by the Additional District and Sessions Court, Ramanathapuram, in S.C.No.94 of 2017, dated 11.01.2018.

2.The petitioner is the first accused in S.C.No.94 of 2017 on the file of the Additional District and Sessions Court, Ramanathapuram. The case of the appellant is that the appellant and seven others conspired to loot affluent houses. On 24.02.2008, they went to the defacto complainant's house in a Maruthi Omni Van. They looted 70 sovereigns of gold, 4 watches and cash of Rs.1,96,000/- from the defacto complainant's house.

3.After trial, the petitioner/first accused has been convicted by the learned Additional District and Sessions Court, Ramanathapuram, in S.C.No.94 of 2017 for the offence under Section



450 IPC and sentenced to undergo five years Rigorous Imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand Only) in default, to undergo three months simple imprisonment, by judgment dated 11.01.2018. Aggrieved by which, the petitioner has preferred an appeal in CrI.A.(MD)No.292 of 2018. Along with the appeal, he filed the present application for suspension of sentence pending disposal of the said appeal.

4.The learned counsel for the petitioner submitted that the conviction imposed against accused Nos. 2 and 3 were already suspended by this Court and hence, he prayed for suspension of sentence for this petitioner also.

5. On the side of the prosecution, it is stated that totally eight accused persons are involved in this case. This petitioner is the main accused and he is a notorious rowdy. If he come out on bail, he would conspire to loot affluent persons. Hence, the respondent objected to release of the petitioner.

6.The learned counsel for the petitioner has raised substantial points in the memorandum of the appeal, which require a detailed consideration by this Court, in the appeal.

7.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the appellant and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

8.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on interim bail till the disposal of the main 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 Additional District and Sessions Judge, Ramanathapuram 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.



(iii) the petitioner must to co-operate the court for speedy disposal of the appeal.

9. Post the main appeal after four weeks.

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sd/-
12/07/2018

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.

2 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.

3 THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. C.C. to MR.T.SIVANANTHAN Advocate SR.No.13091

ORDER
IN
CRL MP (MD) No.4943 of 2018
IN
CRL A (MD) No.292 of 2018
Date :12/07/2018

MS/VR/GSR/17.07.2018/3P.6C