



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

Tuesday, the Thirty First day of July Two Thousand Eighteen

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.5365 of 2018

IN

CRL A (MD) No.305 of 2018

LINGAM @ MAGALINGAM

... APPELLANT/ SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TIRUNELVELI DISTRICT.

CRIME NO.227 OF 2016

... RESPONDENT/ COMPLAINANT

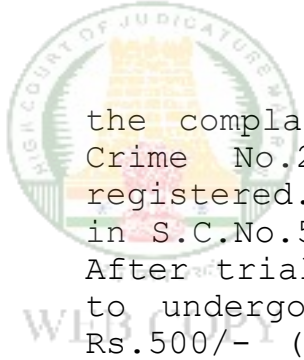
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence and release the petitioner on bail pending disposal of this Criminal Appeal before this Honourable Court against the judgement in S.C.No.554 of 2016 on the file of the Honourable Assistant Session Judge, Sankarankovil dated 30/01/2017.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.L.M.VIJAI BOOMINATHAN, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

Heard Mr.L.M.Vijai Boominathan, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This Petition is filed to suspend the sentence passed against the petitioner imposed by the learned Assistant Sessions Judge, Sankarankovil in S.C.No.554 of 2016 dated 30.01.2017 pending disposal of the Revision case.

3.The case against the petitioner is that the complainant's sister namely Pushpam got married with one Mahalingam and that Mahalingam used to consume alcohol and tortured his wife and the same was warned by the complainant and at one stage, Pushpam lived separately from her husband and the complainant is of the opinion that the petitioner is the cause for the separation of Pushpam from her husband and he got enmity with the petitioner. On 17.07.2016,



the complainant attacked the petitioner with aruval. The case in Crime No.227 of 2016 under Section 294(b), 307 of IPC was registered. After filing the chargesheet, the case was taken on file in S.C.No.554 of 2015. The petitioner attacked Pushpam with aruval. After trial, the trial Court convicted and sentenced the appellant to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.500/- (Rupees Five Hundred only) in default to undergo three months Rigorous Imprisonment for the offence under Section 307 of IPC. The petitioner was acquitted from the charges under Section 294 (b) of IPC. The petitioner preferred an appeal and this petition is filed for suspension of sentence till the disposal of the appeal.

4.On the side of the petitioner, it is stated that the petitioner is in custody for 1 ½ years. There is delay in filing the FIR. The blood stained dress of P.W.1 was not recovered and blood stained weapon was not sent to the chemical examination. No independent witness was examined. On the side of the petitioner, it is further stated that the petitioner was having aruval for cutting coconut and there is no intention. The injuries are not serious in nature of causing death. P.W.2 turned hostile. It is stated that there are so many other arguable points in the matter and prayed the sentence to be suspended till the disposal of the appeal.

5.On the side of the respondent, it is stated that the victim sustained multiple injuries and there is one grievous injury on the left hand. With an intention to attempt murder, the petitioner attacked P.W.1 with aruval and prayed to dismiss this petition.

6.Records perused. Considering the fact that the petitioner is in custody for a period of 1 ½ years and considering that an opportunity for the petitioner to put forth his case to be given, this Court is inclined to grant suspension of sentence till 14.08.2018, 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 Judicial Magistrate, Sivagiri 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 has to co-operate with the Court for speedy disposal of the case.

7. Post on the matter on 14.08.2018 ' for hearing the main appeal'.

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sd/-
31/07/2018

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

TO

1. THE ASSISTANT SESSION JUDGE, SANKARANKOVIL.
 2. THE JUDICIAL MAGISTRATE SIVAGIRI.
 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 4. THE SUPERINTENDENT, CENTRAL PRISON,
PALAIYANKOTTAI.
 5. THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION, TIRUNELVELI DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.R.ALAGUMANI Advocate SR.No.14632

ORDER
IN
CRL MP (MD) No.5365 of 2018
IN
CRL A (MD) No.305 of 2018
Date : 31/07/2018

MS/PN/SAR-2/02.08.2018/3P.8C