



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

Thursday, the Second day of August Two Thousand Eighteen

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PRESENT

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

CRL MP(MD) No.5432 of 2018
IN
CRL A(MD) No.312 of 2018

RAVICHANDRAN

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.144/2013

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of imprisonment imposed by Learned Fast Track Mahalir Neethimandram/Principal Sessions Judge, Ramanathapuram in S.C.No.48/2014 by the Judgement dated 28/06/2018 and enlarge the petitioner/appellant 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.A.JOSEPH JERRY, Advocate for Mr.D.RAMESHKUMAR, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

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

Petitioner was arrayed as an accused in Crime No.144 of 2013 on the file of respondent Police, and under judgment, dated 28.06.2018 in S.C.No.48 of 2014 on the file of the Fast Track Mahalir Neethimandram/Principal Sessions Court, Ramanathapuram, he has been convicted for offence under Section 302 IPC and sentenced to undergo Life Imprisonment and to pay a fine of Rs.1,10,000/-, in default, to undergo one year Rigorous Imprisonment and further the learned Trial Judge directed to pay a sum of Rs.35,000/- each to the son and two daughters of the deceased from the fine amount under Section 357(2) Cr.P.C. and remaining Rs.5,000/- will pay to the Government as fine. Petitioner has moved this miscellaneous petition seeking relief of suspension of sentence pending appeal.



2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The prosecution case is that owing to previous animosity, the appellant/accused caused several cut injuries to the deceased, who had been in a market place, on 13.08.2013 at about 5.15 p.m. Even if the prosecution allegation is true, it is seen that the injuries to the body of the deceased are in the leg and thigh region, not in areas, where one intending to commit murder would inflict injuries.

3. We are aware that the fine amount is yet to be paid.

4. The learned counsel for the petitioner submits that the occurrence had taken place on the spur of the movement and there was absolutely no premeditation on the part of the accused. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioner herein.

5. Per contra, Mr. S. Chandrasekar, learned Additional Public Prosecutor, contended that the prosecution has established its case beyond all reasonable doubt and he strongly opposed to the grant of the relief of suspension of sentence to petitioner.

6. Considering the facts and circumstances of the case, it is not possible for the Court to take the Criminal Appeal in the near future, there are arguable points, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein. We are inclined to suspend the substantive portion of sentence imposed on petitioner.

7. Accordingly, the **substantive sentence of imprisonment alone is suspended in respect of petitioner** and he is directed to be enlarged on bail on following conditions:-

(i) The petitioner/appellant/accused 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 learned Judicial Magistrate, Mudukulathur.

(ii) The petitioner/appellant/accused shall deposit the fine amount of Rs.1,10,000/- to the credit of Crime No.144 of 2013 before the learned Judicial Magistrate, Mudukulathur;

(iii) Upon payment of the fine amount by the petitioner/appellant/accused, the learned Magistrate is directed to deposit the same in a recurring interest Fixed Deposit in any one of the Nationalized Banks;



(iv) The 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

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

TO

1. THE PRINCIPAL SESSIONS JUDGE,
FAST TRACK MAHALIR NEETHIMANDRAM, RAMANATHAPURAM.
 2. THE JUDICIAL MAGISTRATE, MUTHUKULATHUR.
 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 4. THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION, RAMANATHAPURAM DISTRICT.
 5. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.D.RAMESHKUMAR Advocate SR.No.14953

ORDER
IN
CRL MP (MD) No.5432 of 2018
IN
CRL A (MD) No.312 of 2018
Date : 02/08/2018

MS/PN/SAR-4/06.08.2018/3P.8C