



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

Monday, the Twenty Third day of July Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice **C.T.SELVAM**
and
The Hon`ble Mr.Justice **S.S.SUNDAR**

CRL MP(MD) No.5568 of 2018
IN
CRL A(MD) No.440 of 2017

ARUNKANNU

... APPELLANT/ACCUSED No.6

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
B3, THEPPAKKULAM POLICE STATION, MADURAI.
(CRIME NO.391/2013)

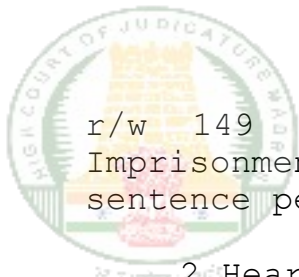
... RESPONDENT/COMPLAINANT

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/appellant/No.6 by the Learned IV Additional District and Sessions Judge, Madurai in SC.No.399/2014 dated 10/08/2017 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 M/S.R.MANICKARAJ, Advocate for the petitioner and of Mr.S.CHANDRASEKARAN, 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 arrayed as an accused in Crime No.339 of 2014 on the file of respondent Police, and under judgment dated 10.08.2017 in S.C.No.399 of 2014, he has been convicted for offences under Section 341 r/w 34 IPC and sentenced to undergo one month simple imprisonment and to pay a fine of Rs.500/-, in default, to undergo one month simple imprisonment; under Section 364(A) r/w 149 I.P.C. and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/- in default, to undergo three months simple imprisonment; under Section 386 r/w 149 I.P.C. and sentenced to undergo Five years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment; under Section 395 r/w 149 I.P.C. and sentenced to undergo Five years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months Simple Imprisonment; under Section 506(ii)



r/w 149 I.P.C. and sentenced to undergo Two years Rigorous Imprisonment. Hence, the petitioner seek the relief of suspension of sentence pending appeal.

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

3. The case of the prosecution is that all the accused have conspired to kidnap P.W.1 - Janarthanan and to extort money from him, pursuant to which, on 18.04.2013, at about 10.00 p.m. A1 and A6 waylaid P.W.1 and kidnapped him with the help of A2 to A5 and A7, released him after extracting a sum of Rs.15 lakhs from his wife, took away his one Acer laptop, 2 cellphone, Rexin Bag containing Rs.30,000/- and threatened to kill him if he lodge a complaint. A case was registered on 20.04.2013 and the same on completion of investigation, filing of final report and committal came up for trial before learned IV Additional District and Sessions Judge, Madurai in S.C.No.399 of 2014 and under Judgement dated 10.08.2017, accused was convicted and sentenced as stated above.

4. In passing orders in Crl.M.P.(MD)Nos.9076 of 2017 etc. batch., dated 10.07.2018, this Court has granted the relief of suspension of sentence in respect of A1, A2, A4 and A5. Considering the same and the submission of the learned counsel for the appellant, the substantive sentence of imprisonment alone is suspended in respect of petitioner/accused 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 IV Additional District and Sessions Judge, 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/-
23/07/2018

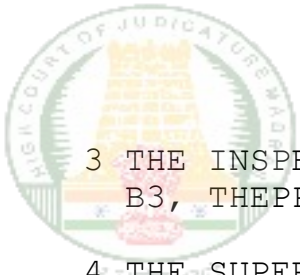
/ TRUE COPY /

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

TO

1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

2 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.



3 THE INSPECTOR OF POLICE,
B3, THEPPAKKULAM POLICE STATION, MADURAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to M/S.M.JEGADEESH PANDIYAN, Advocate SR.No.13841

ORDER

IN

CRL MP (MD) No.5568 of 2018

IN

CRL A (MD) No.440 of 2017

Date :23/07/2018

JM/JC/SAR 4/26.07.2018/3P/7C