



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

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM

and

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.5569 of 2018

IN

CRL A(MD) No.317 of 2018

BALA MURUGAN

... APPELLANT/ ACCUSED NO.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

OOMATCHIKULAM POLICE STATION,

OOMATCHIKULAM, MADURAI DISTRICT.

CRIME NO.327 OF 2011

... 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 me on bail pending disposal of this criminal Appeal before this Honourable Court against the Judgment in S.C.No.87/2014 on the file of the Honourable V Additional Sessions Judge, Madurai dated 09/03/2015.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, 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.,**]

Petitioner is arrayed as the first accused in S.C.No.87 of 2014, on the file of the V Additional Sessions Judge, Madurai and under Judgment dated 09.03.2015 he has been convicted and sentenced as follows:

Offence	Sentence
147 IPC	To pay a fine of Rs.1000/- in default to undergo 3 months simple imprisonment
148 IPC	To pay a fine of Rs.1000/- in default to undergo 3 months simple imprisonment

Offence	Sentence
506(ii) IPC	To pay a fine of Rs.1000/- in default to undergo 3 months simple imprisonment
302 IPC	To pay Rs.5000/- in default to undergo 6 months rigorous imprisonment
302 IPC r/w 149 IPC	Life imprisonment and to pay a fine of Rs.5000/- each each in default to undergo 6 months rigorous imprisonment

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

2. The case of the prosecution is that owing to previous enmity, the deceased was done to death by the accused. Case was registered in Crime No.327 of 2011, 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 V Additional Sessions Judge, Madurai, in S.C.No 86 of 2017 and under Judgment dated 09.03.2015, the first accused was convicted for the offences, stated supra.

3. Heard the learned counsel appearing for the petitioner 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.

6. Accordingly, the present Miscellaneous Petition is allowed and substantive sentence of imprisonment alone is suspended in respect of the petitioner/first 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 Judicial Magistrate No.2, Madurai, and on further condition that petitioner 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

/ TRUE COPY /

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



TO

1. THE V ADDITIONAL SESSIONS JUDGE, MADURAI.
 2. THE JUDICIAL MAGISTRATE NO.2, MADURAI.
 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 5. THE INSPECTOR OF POLICE,
OOMATCHIKULAM POLICE STATION,
OOMATCHIKULAM, MADURAI DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.R.ALAGUMANI Advocate SR.No.14679

ORDER
IN
CRL MP (MD) No.5569 of 2018
IN
CRL A (MD) No.317 of 2018
Date :01/08/2018

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