



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

Wednesday, the First 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.5738 of 2018
IN
CRL A(MD) No.328 of 2018

1 SATHEESHKUMAR
2 DEIVENDRAN

... PETITIONERS/PETITIONERS

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
VATHALAGUNDU POLICE STATION,
DINDIGUL DISTRICT.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge them on bail by suspending the sentence imposed on them in S.C.No.8/2006 by the Additional District and Sessions Court, Dindigul dated 17/07/2018 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.N.R.ELANGO, Senior counsel for MR.D.VENKATESH, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

Petitioners are arrayed as the accused No. 2 and 3 in S.C.No.8 of 2006, on the file of the Additional District and Sessions Court, Dindigul, and under Judgment dated 17.07.2018 the first petitioner has been convicted and sentenced as follows:

Offence	Sentence
148 IPC	To undergo one year simple imprisonment
427 IPC	To undergo six months simple imprisonment
323 IPC	To undergo 3 months simple imprisonment



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Offence	Sentence
302 IPC	To undergo life imprisonment and to pay a fine of Rs.10,000/- each in default to undergo 2 years of simple imprisonment

The second petitioner has been convicted and sentenced as follows:

Offence	Sentence
324 IPC	To undergo two years simple imprisonment and to pay a fine of Rs.5000/- in default to undergo 6 months of simple imprisonment

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

2. The case of the prosecution is that during calamity, the accused stabbed the deceased with knife and he succumbed to the injuries. Case was registered in Crime No.516 of 2003, 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 Additional District and Sessions Judge, Ramnad, in S.C.No.8 of 2006 and under Judgment dated 17.07.2018 the accused were convicted for the offences, stated supra.

3. Heard the learned counsel appearing for the petitioners 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 petitioners.

5. Accordingly, the present Miscellaneous Petition is allowed and substantive sentence of imprisonment alone is suspended in respect of the petitioners/accused No.2 and 3 and they are directed to be enlarged on bail on condition that they shall execute a separate 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 Judicial Magistrate, Nilakottai, and on further condition that petitioners 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 /



TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DINDIGUL
 - 2 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT
 - 4 THE INSPECTOR OF POLICE
VATHALAGUNDU POLICE STATION, DINDIGUL 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.VENKATESH, Advocate SR.No.14650

ORDER
IN
CRL MP(MD) No.5738 of 2018
IN
CRL A(MD) No.328 of 2018
Date :01/08/2018

PK/PN/SAR-4/03.08.2018 : 2P/8C