



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

Wednesday, the First day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.6046 of 2018

IN

CRL A(MD) No.339 of 2018

SHANMUGAVEL

... PETITIONER/ APPELLANT/
ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DEPUTY SUPERINTENDENT OF POLICE,
MUTHUKULATHUR CIRCLE,
MUTHUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.121/2011

... RESPONDENT/ RESPONDENT/
COMPLAINANT

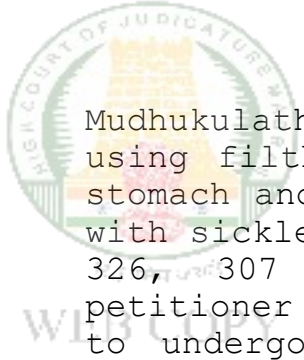
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner/appellant namely Shanmugavel, S/o. Madasamy by the Learned Principal District and Sessions Court, Ramanathapuram by its Judgement in Spl.S.C.No.38/2013 dated 11/07/2018 and enlarge him 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.M.JEGADEESH PANDIAN, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate on behalf of the Respondent, While admitting the CRL.A, the court made the following order:-

Heard Mr.M.Jegadeesh Pandian, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate appearing for the respondent.

2. This petition is filed to suspend the sentence imposed by the learned Principal District and Sessions Judge, Ramanathapuram in Special S.C.No.38 of 2013, dated 11.07.2018.

3. The case against the petitioner is that the petitioner and others due to previous enmity on 05.09.2011 at about 6.30 p.m. near



Mudhukulathur Gandhi Statute, humiliated the defacto complainant by using filthy language and the petitioner implicated injury on the stomach and shoulder and left side cheek of the defacto complainant with sickle. The charge sheet was filed under Sections 294 (b), 324, 326, 307 of IPC r/w 3 (1)(x) and 3(2)(v) of SC/ST (POA) Act. The petitioner was convicted under Section 325 of IPC and was sentenced to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo one year rigorous imprisonment.

4. On the side of the petitioner, it is stated that there is motive between the petitioner and the defacto complainant and that A.1 borrowed a sum of Rs.30,000/- from the defacto complainant/P.W.5 and repaid Rs.20,000/- and when P.W.5 demanded the balance amount there was some quarrel between P.W.5 and A.1. It is stated that in the AIR it is stated that P.W.5 was attacked by two known and two unknown persons and that two unknown persons were not impleaded as accused in the case and there are arguable points to consider in the appeal and prayed to grant suspension of sentence till the completion of the appeal.

5. On the side of the respondent, it is stated that the prosecution has examined 10 witnesses and marked as 14 documents. P.W.5 is a victim and she has deposed regarding the occurrence wherein it is stated that A1 was caught hold of P.W.5 and A.2 who is the prime accused caused injuries to him. The evidence of P.W.5 is co-related by the evidence of P.W.3 who is the Doctor and he objected to release the petitioner on suspension of sentence.

6. Records perused. The petitioner is in custody from 11.07.2018 onwards. It is stated that the petitioner is having some arguable points for consideration and the disposal of the appeal will take some time.

7. In this circumstances, this Court is inclined to grant suspension of sentence till 29.08.2018, on his executing a bond for a sum of Rs.10,000/- with two sureties, of whom, one should be a blood relative,

each for a like sum to the satisfaction of the learned Judicial Magistrate, Muthukulathur, Ramanathapuram district 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.

WEB COPY

8. Post after four weeks 'for hearing main appeal'.

sd/-

01/08/2018

/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
 2. THE JUDICIAL MAGISTRATE, MUTHUKULATHUR,
RAMANATHAPURAM DISTRICT.
 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 5. THE INSPECTOR OF POLICE
DEPUTY SUPERINTENDENT OF POLICE,
MUTHUKULATHUR CIRCLE, MUTHUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.M.JEGADEESH PANDIAN Advocate SR.No.15020

ORDER

IN

CRL MP (MD) No.6046 of 2018

IN

CRL A (MD) No.339 of 2018

Date :01/08/2018

MS/PN/SAR-1/06.08.2018/3P.8C