



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

Thursday, the Eleventh day of October Two Thousand Eighteen

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PRESENT

**The Hon`ble Mr.Justice M.M.SUNDRESH**  
**and**  
**The Hon`ble Mr.Justice N.SATHISH KUMAR**

CRL MP(MD) No.6532 of 2018  
IN  
CRL A(MD) No.373 of 2018

1 BALAMURUGAN  
2 NAGAPPAN

... PETITIONERS/ APPELLANTS

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
NACHIYARKOVIL POLICE STATION,  
THANJAVUR DISTRICT.  
CRIME NO.157/2013

... RESPONDENT/ COMPLAINANT

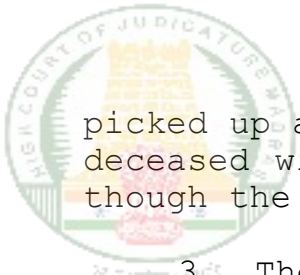
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence rendered in Session Case No.158/2014 on the file of the Learned Additional District Sessions Court (Fast Track Court) Kumbakonam, Thanjavur District by order 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.ANANTHAPADMANABAN, Advocate M/S.A.P.N.LAW ASSOCIATES 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 **M.M.SUNDRESH, J.,**]

The petitioners are arrayed as the accused Nos.1 and 2 in S.C.No.158 of 2014, on the file of the Additional District and Sessions Court, [Fast Track Court] Kumbakonam and under Judgment dated 17.07.2018, they have been convicted for the offence under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life. Pending disposal of the Criminal Appeal, the petitioners have come forward to file the present Miscellaneous Petition seeking suspension of sentence.

2. The case of the prosecution is that on 02.06.2018, at about 08.30 PM, both the petitioners went to the house of the deceased and



picked up a quarrel. The petitioners are stated to have attacked the deceased with wooden log. The complaint was given on the next day, though the occurrence is stated to have taken place at 08.30 PM.

3. The learned counsel appearing for the petitioners would submit that even the evidence of PW-14, coupled with the evidence of PW-20, would show that the deceased died of neurogenic shock. There was no external injury found on the body of the deceased. Further, the deceased was under the influence of alcohol. Therefore, the very case of the prosecution is doubtful.

4. The learned Additional Public Prosecutor would submit that PW-1 and PW-2 being eye-witnesses, the Trial Court has rightly convicted the petitioners and therefore, the sentence should not be suspended.

5. We have considered the above submissions and perused the records carefully.

6. After considering the above submissions, we find that there are arguable points involved to be decided in the Criminal Appeal, especially, in the light of the evidence of PW-14 and PW-20. Thus, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioners.

7. Accordingly, the present Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended in respect of the petitioners and they are directed to be enlarged on bail on condition that they shall execute a separate 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 Additional District and Sessions Court, [Fast Track Court] Kumbakonam, Thanjavur District and on further condition that the 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/-

11/10/2018

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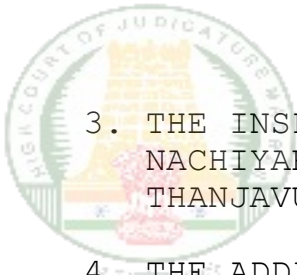
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
[FAST TRACK COURT] KUMBAKONAM,  
THANJAVUR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.



3. THE INSPECTOR OF POLICE,  
NACHIYARKOVIL POLICE STATION,  
THANJAVUR DISTRICT.

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

+1. C.C. to Mr.A.P.N. LAW ASSOCIATES Advocate SR.No.19492

ORDER

IN

CRL MP (MD) No.6532 of 2018

IN

CRL A (MD) No.373 of 2018

Date :11/10/2018

**MS/PN/SAR-2/12.10.2018/3P.6C**