



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SUBBIAH
and
The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.9195 of 2018
IN
CRL A(MD) No.425 of 2017

1 VIJAYAKUMAR
2 SATHAIAH

... PETITIONERS/APPELLANTS/
ACCUSED NO. 9 & 10

Vs

STATE REP BY
THE INSPECTOR OF POLICE
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO.117/2009)

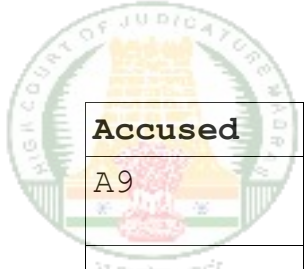
... RESPONDENT/RESPONDENT/
COMPLAINANT

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 petitioners/appellants/accused in S.C No. 3/2011 dated 31.08.2017 on the file of the Additional District court (Fast Track Court) Paramakudi and enlarge them on bail till the disposal of the appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR. THILAGA BALASUBRAMANIAN, Advocate for the petitioners and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor, on behalf of the Respondent the court made the following order:-

[Order of the Court made by **R.SUBBIAH, J.**]

Petitioners are arrayed as accused Nos.9 and 10 in S.C.No.3 of 2011 on the file of Additional District Court (Fast Track Court), Paramakudi and under judgment dated 31.08.2017 and the first petitioner / A9 has been convicted for offences u/s.147, 148, 324, 326 and 302 r/w 149 IPC and the second petitioner / A10 has been convicted for offences u/s.147, 148, 324 and 302 r/w 149 IPC and sentenced as follows:



Accused	Offence	Sentence
A9	147 IPC	S.I. for a period of 1 year and to pay fine of Rs.500/- i/d to undergo S.I. for 1 month.
	148 IPC	R.I. for a period of 3 years and to pay fine of Rs.1000/- i/d to undergo R.I. for 6 months.
	324 IPC	R.I. for a period of 3 years and to pay fine of Rs.1000/- i/d to undergo R.I. for 6 months.
	326 IPC	R.I. for a period of 5 years and to pay fine of Rs.3000/- i/d to undergo R.I. for 1 year.
	302 r/w 149 IPC	Life imprisonment and fine of Rs.5,000/- i/d to undergo 2 years R.I.
A10	147 IPC	S.I. for a period of 1 year and to pay fine of Rs.500/- i/d to undergo S.I. for 1 month.
	148 IPC	R.I. for a period of 3 years and to pay fine of Rs.1000/- i/d to undergo R.I. for 6 months.
	324 IPC	R.I. for a period of 3 years and to pay fine of Rs.1000/- i/d to undergo R.I. for 6 months.
	302 r/w 149 IPC	Life imprisonment and fine of Rs.5,000/- i/d to undergo 2 years R.I.

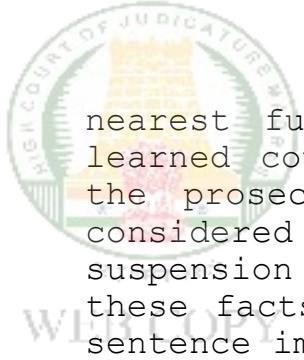
Petitioners have come forward with the present miscellaneous petition seeking relief of suspension of sentence pending Criminal Appeal.

2.The case of the prosecution is that due to previous enmity, accused Nos.8 to 10 surrounded the deceased namely, Murugesan at Aranmanai Bus Stop in Ramanathapuram Town and the first accused had indiscriminately attacked the deceased on his head with Aruval and thereby, caused his death.

3.The learned counsel for the petitioners submitted that the main accused viz., A2 has been granted bail by this Court in CrI.M.P.(MD)No.9754 of 2017 on 03.08.2018. He further submitted that the first petitioner / A9 caused injuries to P.W.6 and the second petitioner / A10 caused injuries to P.W.5 and the petitioners are in custody from 31.08.2017 onwards. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioners herein.

4. Per contra, Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor, contended that the prosecution has established its case beyond all reasonable doubt and the minor discrepancies found in the evidence of the prosecution witnesses will not affect the prosecution case in its entirety. He strongly opposed to the grant of the relief of suspension of sentence to petitioners.

5. Considering the facts and circumstances of the case, that it is not possible for the Court to take the Criminal Appeal in the



nearest future, that there are arguable points and according to learned counsel for petitioners, there are several infirmities in the prosecution case in respect of petitioners, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioners herein. Keeping in view of these facts, we are inclined to suspend the substantive portion of sentence imposed on petitioners.

6. Accordingly, the **substantive sentence of imprisonment alone is suspended in respect of petitioners / A9 and A10** and they are directed to be enlarged on bail on condition that they 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 Judicial Magistrate, Paramakudi, and on further condition that petitioners shall report before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

sd/-
14/11/2018

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

TO

- 1 THE ADDITIONAL DISTRICT JUDGE,
FAST TRACK COURT, PARAMAKUDI
 - 2 THE JUDICIAL MAGISTRATE, PARAMAKUDI
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
 - 4 THE SUPERINTENDENT, CENTRAL PRISION, MADURAI
 - 5 THE INSPECTOR OF POLICE
NAINARKOVIL POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. C.C. to MR. THILAGA BALASUBRAMANIAN Advocate SR.No.21479

ORDER IN
CRL MP(MD) No.9195 of 2018
IN
CRL A(MD) No.425 of 2017
Date :14/11/2018