



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

Friday, the Sixteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.6805 of 2018

IN

CRL A(MD) No.390 of 2018

MUTHUKRISHNAN

... PETITIONER/APPELLANT/ACCUSED NO.1

Vs

STATE REP. BY

THE DEPUTY SUPERINTENDENT OF POLICE,

THIRUPPARANKUNDRAM SUB DIVISION,

MADURAI DISTRICT,

THIRUNAGAR POLICE STATION.

CRIME NO.431/2007

... RESPONDENT/RESPONDENT/COMPLAINANT

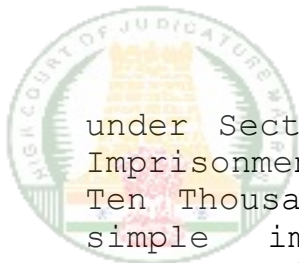
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an Interim order pending disposal of the Criminal Appeal, suspending the execution of sentence passed in S.C.No.14/2010 dated 04/07/2018 on the file of the Learned Mahalir Neethimandram, Madurai and thereby enlarge the petitioner/appellant/ accused No.1 on bail to the satisfaction of the Trail court.

Prayer in CRL A(MD). 390/ 2018 :

To set aside the conviction and sentence passed under section 304(B) and 498(A) of IPC dated 04.07.2018, passed by the Learned District Sessions Judge (Mahalir Neethimandram), Madurai in S.C.No.14/2010.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.T.K.GOPALAN, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The petitioner in Crl.M.P.[MD]No. 6805 of 2018 is the first accused in S.C No.14 of 2010, on the file of the District Sessions Judge, (Mahalir Neethimandram) Madurai and by Judgment dated 04.07.2018, he has been found guilty and convicted for the offence under Section 498(A) of I.P.C., and sentenced to undergo imprisonment for 1-Year and to pay a fine of Rs.5,000/- (Rupees Five thousand only) in default to undergo Rigorous Imprisonment for 3-months of simple imprisonment and also found guilty and convicted



under Section 304(B) of I.P.C., and sentenced to undergo Rigorous Imprisonment for 10-Years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand Only) and in the event of default, undergo 6-months simple imprisonment and the conviction and sentences run concurrently. Pending disposal of the Criminal Appeal, the petitioner has come forward to file the present Miscellaneous Petition seeking suspension of sentence.

2. The learned Counsel appearing for the petitioner would submit that the Revenue Divisional Officer and the Investigation Officer have deposed that the petitioner had suffered burn injuries and leading to the conclusion that the victim attempted to commit suicide and that the petitioner had attempted to save the deceased. He would further submit that the co-accused in this case who is the mother of the petitioner has filed Crl.M.P [MD] No.6806 of 2018 and this Court holding that there are merits in the grounds raised in the Criminal appeal had granted suspension of sentence to the mother of the petitioner and that the petitioner also stands on the same footing. He would also further submit that there are other valid grounds in the appeal.

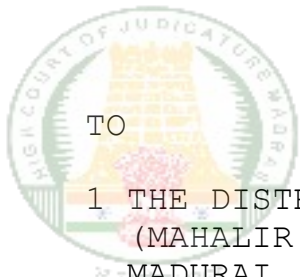
3. The learned Additional Public Prosecutor would opposed to grant bail, however would admit that the Revenue Divisional officer and Investigation officer had deposed before the Court that the petitioner also sustained injuries in the incident. He would further submit that the petitioner has not paid the fine amount which was imposed in the Trial Court. The respondent police has also filed a counter.

4. Taken into consideration, this Court is inclined to suspend the substantive portion of sentence imposed on the petitioner.

5. Accordingly, the present Miscellaneous Petitions is allowed and the substantive sentences of imprisonment are suspended in respect of the petitioner and that the petitioner is directed to be enlarged on bail on condition that he 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 Court of District Sessions Judge, (Mahalir Neethimandram), Madurai and on further condition that the petitioner shall deposit the fine amount before the Trial Court if it is not paid so far and the petitioner shall report on the first working day of every English Calendar month at 10.30 a.m., before the Trial Court, until further orders.

sd/-
16/11/2018

/ TRUE COPY /



TO

1 THE DISTRICT SESSIONS JUDGE,
(MAHALIR NEETHIMANDRAM),
MADURAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPPARANKUNDRAM SUB DIVISION,
MADURAI DISTRICT, THIRUNAGAR POLICE STATION.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to M/S.T.K.GOPALAN Advocate SR.No.21701

ORDER
IN
CRL MP (MD) No.6805 of 2018
IN
CRL A (MD) No.390 of 2018
Date :16/11/2018

JM/VR MMS/SAR 1/22.11.2018/3P/6C