



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

Tuesday, the Eleventh day of September Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

WEB COPY

CRL MP(MD) No.7251 of 2018

IN

CRL RC(MD) No.523 of 2018

SEKAR

... PETITIONER/ PETITINER/
APPELLANT/ ACCUSED

Vs

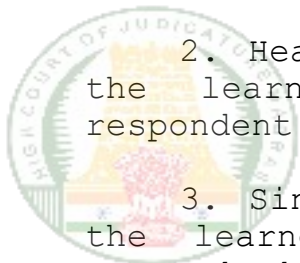
STATE REP.BY
THE INSPECTOR OF POLICE,
MUTHUKULATHUR POLICE STATION,
MUTHUKULATHUR,
RAMANATHAPURAM DISTRICT.

... RESPONDENT/ 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 and enlarge the petitioner on bail imposed on the petitioner by the judgment dated 12.06.2017 made in Crl.A.No. 14 of 2017 on the file of Principal District and Sessions court, Madurai pending disposal of the above Criminal Revision

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.J.SULTHAN BASHA, Advocate for M/S.AJMAL ASSOCIATES for the petitioner and of Mr.A.ROBINSON, Government Advocate(Crl.Side) on behalf of the Respondent, While admitting the Crl.RC., the court made the following order:-

The petitioner is the accused in C.C.No.127 of 2014 on the file of the Judicial Magistrate Court, Muthukulathur. By judgment dated 23.05.2017, he has been convicted under Section 304(A) IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/- in default, to undergo simple imprisonment for one month. Challenging the same, he has filed an appeal in Crl.A No.14 of 2017 on the file of the Principal District and Sessions Court, Ramanathapuram. The first appellate Court, while confirming the judgment of conviction under Section 304(A) IPC, modified the sentence of rigorous imprisonment into 10 months instead of one year and also modified the fine amount of Rs.26,000/-, instead of Rs.5,000/-, by judgment dated 12.06.2018. Challenging the same, the petitioner is before this Court with Crl.R.C.(MD) No.523 of 2018. Pending disposal of the same, the petitioner has come forward with this petition seeking suspension of substantive sentence of imprisonment.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent and also perused the records carefully.

3. Since certain arguable points have been raised by the learned counsel for the petitioner, this Court is inclined to suspend the substantive sentence of imprisonment on the following conditions:-

"The petitioner shall execute a 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 Judicial Magistrate Court, Muthukulathur and on further condition that the petitioner shall report before the Judicial Magistrate Court, Muthukulathur on the first working day of every English calender month at 10.30 a.m. until further orders."

sd/-

11/09/2018

/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

2. THE JUDICIAL MAGISTRATE, MUTHUKULATHUR.

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

4. THE INSPECTOR OF POLICE,
MUTHUKULATHUR POLICE STATION,
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT.

5. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.

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

+1. C.C. to Mr.AJMAL ASSOCIATES Advocate SR.No.17344

ORDER IN
CRL MP(MD) No.7251 of 2018
IN
CRL RC(MD) No.523 of 2018
Date :11/09/2018