



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

Thursday, the Twenty Seventh day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) No.7507 of 2018

IN

CRL A(MD) No.439 of 2018

PRABHAKARAN

... PETITIONER/APPELLANT

Vs

STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
MUTHUKULATHUR SUB-DIVISION,
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT,
(CRIME NO.149/2016)

... RESPONDENT/RESPONDENT

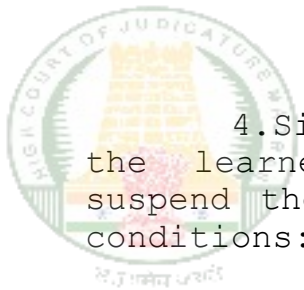
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Learned Principal District and Sessions Court, Ramanathapuram passed in Special SC.No.57/2017 dated 29/08/2018 and enlarge the petitioner 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.K.R.LAXMAN, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl.Side) on behalf of the Respondent, While admitting the Crl.A., the court made the following order:-

The petitioner herein has been found guilty for the offences under Sections 448, 323 IPC and Section 3(1)(r)(s) of SC/ST (POA) Amendment Ordinance Act 2015. The maximum sentence imposed on the petitioner is of 5 years rigorous imprisonment and to pay a fine of Rs.15,000/- in default to undergo 6 months rigorous imprisonment in respect of offence under Section 3(1)(r)(s) of SC/ST (POA) Amendment Ordinance Act 2015.

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

3.The learned counsel appearing for the petitioner has pointed out certain inconsistency in the prosecution evidence regarding the weapon used and propositional injuries caused to the victim and also the scene of occurrence.



4. 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 learned Judicial Magistrate, Muthukullathur, Ramanathapuram District and on further condition that the petitioner shall report before the learned Judicial Magistrate, Muthukullathur, Ramanathapuram District, on the first Monday of every English calendar month at 10.30 a.m. until further orders."

sd/-

27/09/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
MUTHUKULLATHUR, RAMANATHAPURAM DISTRICT.

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

3 THE DEPUTY SUPERINTENDENT OF POLICE,
MUTHUKULLATHUR SUB-DIVISION,
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to M/S.G.VISHNURAM, Advocate SR.No.18412

ORDER

IN

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Date : 27/09/2018