



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

Tuesday, the Twenty Third 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.7677 of 2018**  
**IN**  
**CRL A (MD) No.447 of 2018**

THAVAMANI @ KARUPPAIAH

... PETITIONER/APPELLANT

Vs

THE STATE THROUGH,  
THE INSPECTOR OF POLICE  
CBCID, PUDUKKOTTAI DISTRICT,  
(FIR FILED BY THE NAGUDI POLICE STATION,  
UNDER CRIME NO.56/2007)

... 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 Additional District and Sessions Court, Pudukkottai passed in S.C.No.193/2008 dated 16/02/2018 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 THE 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 petitioner herein has been arrayed as accused No.2 in S.C.No.193 of 2008, on the file of the Additional District & Sessions Judge, Pudukkottai. The conviction has been rendered for the offences under Sections 148, 302 r/w. 149, 307(2 counts), 323 r/w. 149 IPC.

2.The learned Counsel appearing for the petitioner would submit that the case of the prosecution against the petitioner is that he has attacked P.W.4 and committed the offence under Section 307 IPC. The learned Counsel further submitted that this Court in Crl.M.P. [MD]No.5506 of 2018 in Crl.A.[MD]No.316 of 2018 dated 02.08.2018, suspended the sentences for A1, A4 and A6, who has been convicted for a higher offence.



3.The learned Additional Public Prosecutor, appearing for the respondent also acknowledged the factum that the other accused have already got their sentences suspended.

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

5.Considering the fact that the other accused have got their sentences suspended for the offence under Section 302 IPC, coupled with the period of incarceration undergone by the petitioner, we are inclined to suspend the substantive portion of sentence imposed on the petitioner.

6.Accordingly, the present Miscellaneous Petition is allowed and the substantive sentences of imprisonment alone are suspended in respect of the petitioner and the petitioner is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties for a like sum to the satisfaction of the Additional District and Sessions Court, Pudukkottai and on further condition that the petitioner shall report before the Additional District and Sessions Judge, Pudukkottai, on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

sd/-

23/10/2018

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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, PUDUKKOTTAI
- 2 THE INSPECTOR OF POLICE, CBCID, PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,  
NAGUDI POLICE STATION, PUDUKKOTTAI DISTRICT
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.K.R.LAXMAN Advocate SR.No.20000

ORDER

IN

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IN

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Date :23/10/2018