



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

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.3966 of 2019

IN

CRL A(MD) No.186 of 2019

NAGARATHINAM

... APPELLANT/ SOLE ACCUSED

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE
SEMPATTY POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.115/2003)

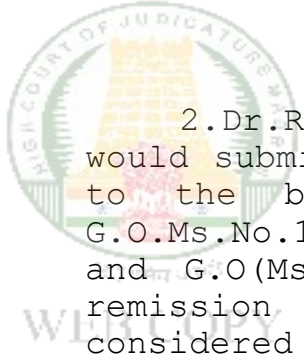
... RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and release petitioner on bail pending disposal of this Criminal Appeal before this Honourable Court against the Judgement in S.C.No.92/2004 on the file of the Honourable Additional District and Sessions Court, (Fast Track Court)Dindigul District dated 10/01/2005.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, Advocate for the petitioner and of Mr.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **M.Sathyannarayanan, J.**)

The petitioner, who is arrayed as sole accused in S.C.No.92 of 2004 on the file of the Additional District and Sessions Court (FTC), Dindigul, vide the impugned judgment dated 10.01.2005, was convicted for the commission of the offence under section 302 IPC (2 counts) and sentenced to undergo two life imprisonment together with a fine of Rs.5,000/- for each count. He was also convicted for the commission of the offence under Section 309 IPC and sentenced to undergo one year simple imprisonment together with a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of three months. Challenging the conviction and sentence, the appeal was filed belatedly only on 20.02.2019 and after condonation of delay, it has been numbered and admitted.



2.Dr.R.Alagumani, learned counsel appearing for the petitioner would submit that the petitioner/appellant/sole accused is entitled to the benevolence of relevant Government Orders, such as, G.O.Ms.No.1055, Home, Prohibition and Excise Dept., dated 30.11.2013 and G.O(Ms)No.64, Home (Prisons-IV) Dept., dated 01.02.2018 for remission and the petitioner's case could have been probably considered by the State and he would further add that since the conviction was recorded and sentence came to be passed as early as on 10.01.2005, early date can be fixed for disposal of the appeal and therefore, he is not pressing the petition for suspension of sentence.

3.Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the State also seeks time to get instructions as to the application of the Government Orders to the case of the petitioner.

4.In the result, this miscellaneous petition is dismissed. Registry is directed to list the appeal for final disposal on 04.07.2019. In the meanwhile, Registry is directed to prepare typed set of documents. If the case of the petitioner/appellant is considered under the relevant Government Orders, the learned counsel appearing for the petitioner/appellant as well as the learned Additional Public Prosecutor are permitted to make a mention before this Court.

sd/-
06/06/2019

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(FAST TRACK COURT), DINDIGUL DISTRICT.
2. THE INSPECTOR OF POLICE
SEMPATTY POLICE STATION, DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE, SPECIAL PRISON(WOMAN), MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT.
- 2 THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.3966 of 2019
IN CRL A(MD) No.186 of 2019
Date :06/06/2019