



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

Thursday, the Eighteenth day of July Two Thousand Nineteen

PRESENT

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

CRL MP(MD) No.5888 of 2019
IN
CRL A(MD) No.283 of 2019

JEYACHANDRAN @ JEYANTH

... PETITIONER/APPELLANT/
ACCUSED No.6

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
C.5, KARIMEDU (L&O) POLICE STATION,
MADURAI, MADURAI DISTRICT
Crime No.99/2013

... RESPONDENT/ 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 Execution of sentence by granting bail in S.C.No.103/2014, dated 13.03.2019 on the file of the Vth Additional District and Sessions Judge, (FAC), Madurai District and till the disposal of Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.V.KATHIRVELU, Senior Counsel for Mr.K.PRABHU, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of this Court was made by **M.SATHYANARAYANAN, J**)

The petitioner is arrayed as A.6 in S.C.No.103 of 2014, on the file of the Court of V Additional District and Sessions Judge (Fast Track Court), Madurai and vide impugned judgment dated 13.03.2019, he was convicted and sentenced as follows:

Rank of the Accused	Conviction u/s	Sentence awarded
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A.6	148 I.P.C.	To undergo rigorous imprisonment for three years.
	302 r/w 149 I.P.C.	To undergo life imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for two months.
	341 r/w 149 I.P.C.	To undergo one month simple imprisonment.

Challenging the legality of the said conviction and sentence, the petitioner/A.6 has preferred the present appeal and pending the appeal, he had filed this petition seeking suspension of the substantive sentences of imprisonment.

2. Mr.V.Kathirvelu, learned Senior Counsel appearing for the petitioner/A.6 has drawn the attention of this Court to the order dated 19.06.2019 made in CrI.M.P.(MD)No.4689 of 2019 in CrI.A.(MD) No.238 of 2019 and would submit that in similar facts and circumstances, A.5 has been granted the suspension of the substantive sentences of imprisonment and admittedly, the petitioner/A.6, has not been attributed with any overt act and he has been convicted with the aid of Section 34 I.P.C. and prays for suspension of the substantive sentences of imprisonment.

3. Per contra, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the State would submit that the points urged by the learned Senior Counsel appearing for the petitioner / A.6 can be appreciated and adjudicated only at the time of final disposal of the Criminal Appeal and would further contend that the antecedents of the petitioner/A.6 is also bad for the reason that he is facing the prosecution for the commission of offences under Sections 302 and 307 I.P.C., and allied offences and the cases are also pending trial and hence, he strongly opposes the petition for suspension of the substantive sentences of imprisonment.

4. This Court has carefully considered the rival submission and perused the materials placed before this Court.

5. A perusal of the order dated 19.06.2019, made in CrI.M.P.(MD)No.4689 of 2019 in CrI.A.(MD)No.238 of 2019 would disclose that the petitioner/A.6 also stood in the similar footing and he has been convicted with the aid of Section 34 I.P.C., and he has not been attributed with any vital overt act.

6. This Court, taking into consideration the above facts and circumstances, is of the view that the petitioner/A.6 is entitled for suspension of the substantive sentences of imprisonment pending



the appeal.

7. In the result, the petition is allowed and the substantive sentences of imprisonment alone in respect of the petitioner/A.6 is suspended and the petitioner/A.6 is directed to be enlarged on bail on condition that the petitioner/A.6 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 No.V, Madurai and on further condition that the petitioner/A.6 shall stay at Sankarapuram, Villupuram District and report before the learned Judicial Magistrate, Sankarapuram at 10.30 a.m., from Monday to Friday and shall report before the Inspector of Police, Sankarapuram Town Police Station, at 11.00.a.m., on all Saturdays and Sundays, until further orders.

sd/-
18/07/2019

/ TRUE COPY /

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

TO

- 1.THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE
(FAST TRACK COURT) MADURAI.
- 2.THE JUDICIAL MAGISTRATE NO V, MADURAI.
- 3.THE CHIEF JUDICIAL MAGISTRATE,MADURAI DISTRICT,
- 4.THE JUDICIAL MAGISTRATE,
SANKARAPURAM, VILLUPURAM DISTRICT.
- 5.THE CHIEF JUDICIAL MAGISTRATE, VILLUPURAM DISTRICT.
- 6.THE INSPECTOR OF POLICE
C.5, KARIMEDU (L&O) POLICE STATION,
MADURAI, MADURAI DISTRICT
- 7.THE INSEPCTOR OF POLICE
SANKARAPURAM POLICE STATION, SANKARAPURAM.
- 8.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 9.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.K.PRABHU Advocate SR.No.11932

ORDER IN
CRL MP (MD) No.5888 of 2019
IN
CRL A (MD) No.283 of 2019
Date :18/07/2019

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