



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

Friday, the Thirtieth day of August Two Thousand Nineteen

WEB COPY

PRESENT

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

CRL MP(MD) No.7167 of 2019

IN

CRL A(MD) No.359 of 2019

SELVARAJ

... PETITIONER/APPELLANT/
ACCUSED NO.1

Vs

1 STATE THROUGH
THE INSPECTOR OF POLICE,
CHEKKANORANI POLICE STATION,
MADURAI DISTRICT,
CR NO. 445 OF 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 sentence imposed against appellant in S.C No. 262 of 2014 on the file of the Honourable Principal District Sessions Court Madurai dated 01.03.2019 and release the appellant on bail till the disposal of the appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.ALAGUMANI, Advocate for the petitioner and of MR.R.ANANDHARAJ, AGP on behalf of the Respondent the court made the following order:-

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

This Court, vide order dated 01.08.2019 in Crl.M.P.(MD)No.6234 of 2019 in Crl.A.(MD)No.310 of 2019, had granted suspension of sentence in respect of A.2, who is the wife of A.1.

2. The learned Counsel appearing for the petitioner/A.1 has drawn the attention of this Court to the said order and would submit that the reasons for granting suspension of sentence insofar as A.2 is concerned, would be squarely applicable to the present petitioner/A.1 also and hence, prays for suspension of the substantive sentences of imprisonment.



3. Per contra, Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the State would submit that though the deceased died six days thereafter, the medical evidence would disclose that the deceased had died on account of injuries sustained and prays for dismissal of the petition and would further add that the petitioner/A.1 is not having any antecedent.

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

5. A perusal and consideration of the earlier order dated 01.08.2019 in Crl.M.P.(MD)No.6234 of 2019 in Crl.A.(MD)No.310 of 2019, would disclose that the reasons assigned for granting suspension of sentence to A.2 - wife of A.1, are having equal application to the present petitioner/A.1 also. It is also brought to the knowledge of this Court that the petitioner/A.1 was on bail through out the trial and that apart, he is not having any antecedent, except the present case.

6. In the light of the above facts and circumstances, this Court is of the view that the petitioner/A.1 is entitled for suspension of the substantive sentences of imprisonment pending this appeal.

7. In the result, the petition is allowed and the substantive sentence of imprisonment alone in respect of the petitioner/A.1 is suspended and the petitioner/A.1 is directed to be enlarged on bail on condition that the petitioner/A.1 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.II, Usilampatti (PRC No.16/2014) and on further condition that the petitioner/A.1 shall appear before the Court of Judicial Magistrate No.II, Usilampatti, at 10.30 a.m., on the first working day of every English Calendar month until further orders.

sd/-
30/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
NO.II, USILAMPATTI.



2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
CHEKKANORANI POLICE STATION,
MADURAI DISTRICT,

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

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

6 THE PRINCIPAL DISTRICT AND SESSIONS COURT, MADURAI.

+1. C.C. to M/S.R.ALAGUMANI Advocate SR.No.14544

ORDER
IN
CRL MP(MD) No.7167 of 2019
IN
CRL A(MD) No.359 of 2019
Date :30/08/2019

TR/PN/SAR-I (03.09.2019) 3P 8C