

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

CRL MP No.6225 of 2020

in Crl.A.No. 406 of 2020

Rajendiran @ Karudan Petitioner

vs

State by
The Inspector of Police,
Orleanpet Police Station,
Puducherry.
(Crime No.197 of 2013). Respondent

Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence passed in S.C.No.7 of 2014 dated 11.09.2014 by the Principal Sessions Judge at Puducherry.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : Mr.V.Balamurugane,
Addl. Public Prosecutor (Pondy)

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the sole accused for the alleged offence punishable under Section 302 IPC in S.C.No. 7 of 2014. The trial Court by judgment dated 11.09.2014 convicted the petitioner under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for six months. Seeking to suspend the sentence, the present petition has been filed.

2. The occurrence was on 01.10.2013 and the conviction was rendered on 11.09.2014. The case of the prosecution is that the deceased, the petitioner and P.W.15 were in inebriated mood and the deceased was thrown away from the second floor resulting in the death of the deceased. P.W.15 is an eye witness to the occurrence.

3. Learned counsel appearing for the petitioner submitted that even as per the case of the prosecution, all the three were under the influence of alcohol. Therefore, the evidence of P.W.15 ought not to have been relied upon. In any case, the offence punishable under Section 302 IPC is not made out. The petitioner has been under incarceration for more than six years as of now.

4. Learned Additional Public Prosecutor (Puducherry), on instructions, submits that the trial Court correctly relied upon the evidence of P.W.15 and, therefore, the petition will have to be dismissed.

5. We are dealing with a case in which all the persons including the petitioner, the deceased and P.W.15 who was the eye witness were found under intoxication. The petitioner has been under incarceration for more than six years and we do find availability of substantial issues to be decided in the appeal.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes 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 Principal Sessions Judge at Puducherry and on further condition that the petitioner shall report before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

02/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE
AT PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE INSPECTOR OF POLICE,
ORLEANPET POLICE STATION,
PUDUCHERRY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY.

+1 C.C. to M/S.R.THAMARAI SELVAN Advocate on payment of
necessary charges SR.NO.7164

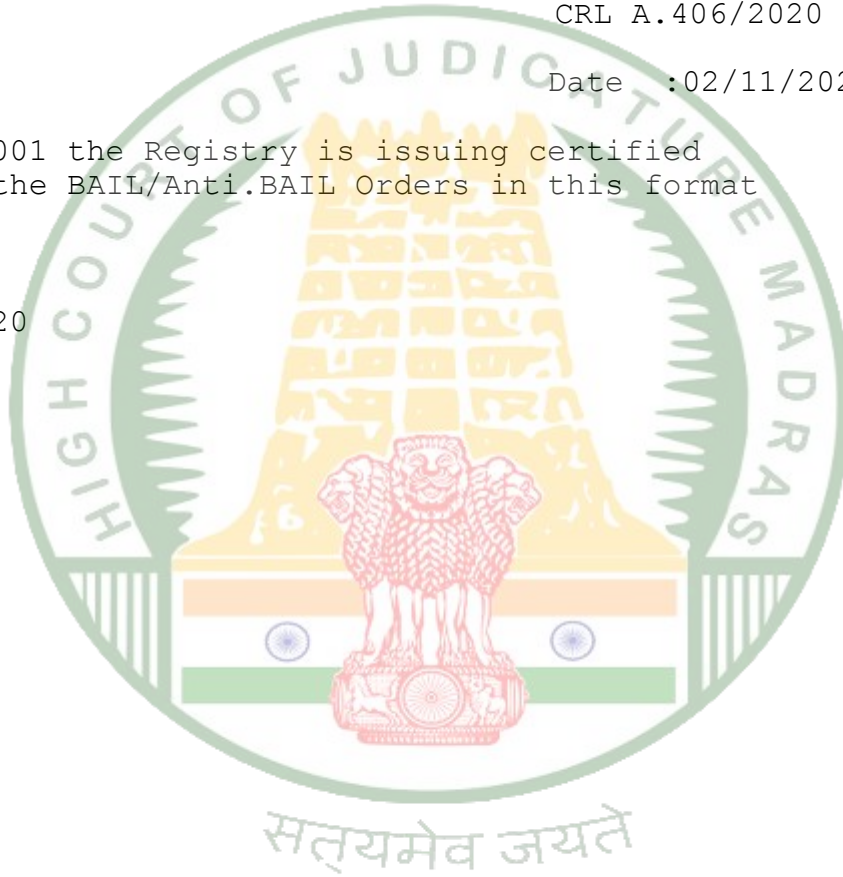
Order

in
CRL MP.6225/2020
in
CRL A.406/2020

Date :02/11/2020

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TA-04/11/2020



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