

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

Coram

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

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

CRL MP No.7431 of 2020

in Crl.A No.479 of 2020

Selvendhiran

... Petitioner

vs

State rep. by
The Inspector of Police,
Pattabiram Police Station,
Chennai.

... Respondent

Petition filed under Section 389(1) of Cr PC to suspend the sentence imposed in S.C.No.273 of 2014 dated 31.10.2019 on the file of the I Additional District and Sessions Judge, Thiruvallur pending disposal of the Criminal Appeal.

For Petitioner .. Mr.R.Ragavendran

For Respondent .. Mr.K.Prabhakar,
Addl. Public Prosecutor

ORDER

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

The petitioner has been arrayed as A2 in S.C.No.273 of 2014 on the file of the I Additional District and Sessions Judge, Thiruvallur. By judgment dated 31.10.2019, the petitioner was convicted for the offence punishable under Section 302 r/w 34 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo six months simple imprisonment. Seeking suspension of sentence, the present petition has been filed.

2.The case of the prosecution is that by way of a retaliation murder, the petitioner along with the other accused committed the

offence. As against A1, who is having the same overt act, this Court was inclined to consider his case in CrI MP No. No.1679 of 2020 in CrI.A No.83 of 2020, dated 22.12.2020. As the petitioner is standing in the same footing, he is entitled for the same benefit particularly when he has also been under incarceration from 31.10.2019 onwards.

3.Learned Additional Public Prosecutor appearing for the State submitted that the trial Court rightly relied upon the evidence of P.W 1 to P.W.18. The said evidence deals with the recovery made. It is a case of retaliation murder. The injury has also been explained by the prosecution. It is not as if in all cases where injuries are suffered by the accused the case of the prosecution would fall. Thus, considering the above, the trial Court rightly convicted the petitioner and therefore, no interference is required.

4. Considering the fact that the co-accused has already been granted suspension of sentence by order dated 22.12.2020, we are inclined to suspend the sentence insofar as the petitioner is concerned.

5.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 Judicial Magistrate No.II, Thiruvallur and on further condition that he shall stay at Trichy and report before the Town Police Station, Trichy daily at 10.30 a.m. until further orders.

-sd/-
23/12/2020

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

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High Court, Madras - 600 104.

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TO

1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, THIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

3 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PATTABIRAM POLICE STATION,
CHENNAI.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

7 THE OFFICER INCHARGE,
TOWN POLICE STATION,
TRICHY.

C.C. to M/S. R.RAGAVENDRAN Advocate on payment of necessary
charges

Order

in

CRL MP.7431/2020

in

CRL.A.479/2020

Date :23/12/2020

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