

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

Coram

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

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

CRL MP No. 8071 of 2020

in

CrI.A No.503 of 2020

Thangaraj @ Thangarasu Petitioner

vs

State rep. by its
Inspector of Police,
V.Kalathur Police Station,
Perambalur District.

.... Respondent

Petition filed under Section 389(1) r/w 439 of Cr.PC to suspend the sentence imposed in S.C.No.43 of 2010 dated 27.02.2020 on the file of the Sessions Judge, Mahila Court, Perambalur, pending disposal of the Criminal Appeal.

For Petitioner .. Mr.R.Ganesh Kumar

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

ORDER

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

The petitioner, who has been arrayed as A6 in S.C.No.43 of 2010 on the file of the Sessions Judge, Mahila Court, Perambalur. By judgment dated 27.02.2020, the petitioner was convicted for the offence punishable under Sections 147, 447, 341, 302 r/w 34, 307 r/w 149 and 323 IPC. For the offence punishable under Section 147 IPC, the petitioner was sentenced to undergo one year rigorous imprisonment, for the offence punishable under Section 447 IPC, the petitioner was sentenced to undergo three months rigorous imprisonment, for the offence punishable under Section 341 IPC, the petitioner was sentenced to undergo one month simple imprisonment, for the offence punishable under Section 302 r/w 34 IPC, the petitioner was sentenced to undergo life imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo six months simple imprisonment, for the offence punishable under Section 307 r/w 149 IPC, the petitioner was sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment and for the offence punishable under Section 323 IPC, the petitioner was sentenced to undergo six months rigorous imprisonment. Seeking suspension of sentence, the present

2. Learned counsel appearing for the petitioner submitted that apart from the specific overt act attributed against the petitioner to that effect that he caught hold of the deceased, the other co-accused have been granted the benefit. It is further submitted that the petitioner is stated to be the cousin-brother of A1 and A2 who were having dispute with the deceased over the purchase of land.

3. Learned Additional Public Prosecutor appearing for the State submitted that it is true that as against the co-accused, this Court has granted suspension of sentence and on compliance of the conditions imposed, the same was also relaxed.

4. The petitioner is stated to have attacked P.W.2 and caused injuries. Though the case of the prosecution is also to the effect that the petitioner caught hold of the deceased, the evidence of P.Ws 1 and 2 are not in tune with the case of the prosecution. They merely stated that the petitioner has restrained the deceased from running further.

5. Inasmuch as the other co-accused has already been granted suspension of sentence and taking into consideration the period of incarceration, we are inclined to suspend the sentence to the petitioner as well. We also find that there are arguable points into 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 Sessions Judge, Mahila Court, Perambalur and on further condition that he shall report before the respondent police once in a week i.e. on every Monday at 10.30 a.m. until further orders.

-sd/-

22/12/2020

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 SESSIONS JUDGE
MAHILA COURT, PERAMBALUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
V.KALATHUR POLICE STATION,
PERAMBALUR DISTRICT.

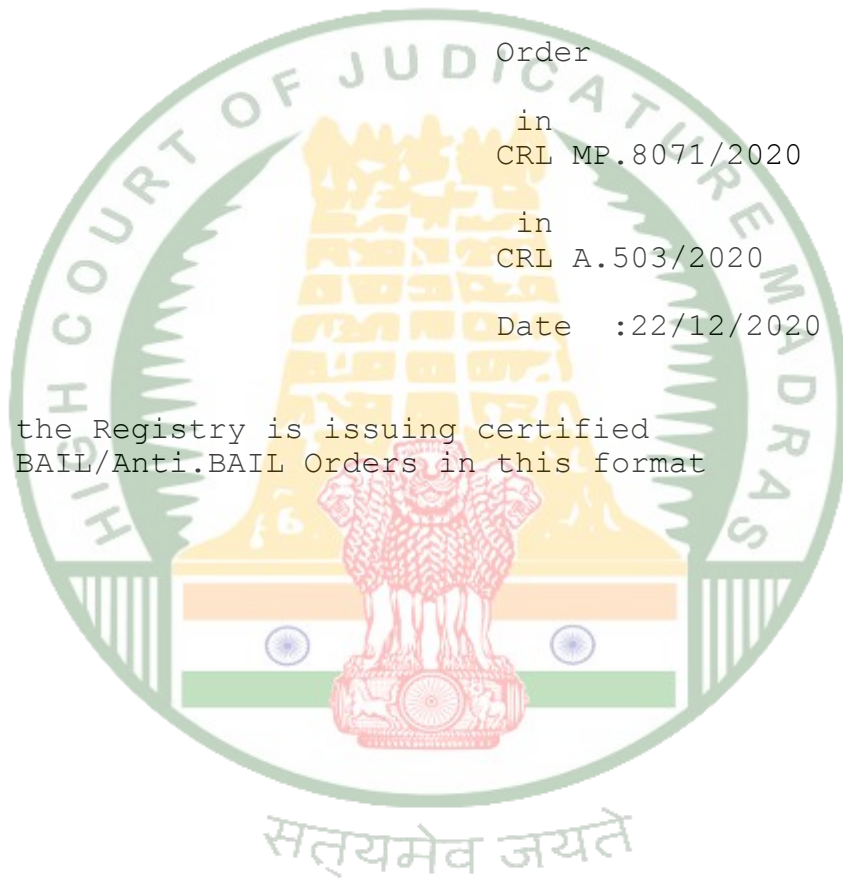
4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

C.C. to M/S. R.GANESH KUMAR Advocate on payment of necessary
charges Sr.8563

Order
in
CRL MP.8071/2020
in
CRL A.503/2020
Date :22/12/2020

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RVR 22/12/2020



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