



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

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

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The Hon`ble Mr.Justice T.RAJA
and
The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.1404 of 2020

IN

CRL A(MD) No.80 of 2020

ARUNKUMAR

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PASUPATHIPALAYAM CIRCLE,
VELLAIYANAI POLICE STATION,
KARUR DISTRICT.
CRIME NO.440/2018

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of the imprisonment imposed on the appellant by the Learned Additional Sessions Judge / Fast Track Mahila Court, Karur in S.C.No.98/2018, in order dated 03.10.2019 and release the accused on bail pending 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 Mr.S.MUTHUKRISHNAN, Advocate for the petitioner and of Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by T.RAJA, J.]

This Criminal Appeal has been filed by the petitioner/A3, who was found guilty by the trial Court in S.C.No.98 of 2018, for the offence under Sections 120(B), 302 and 201 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months rigorous imprisonment for the offence under Section 120(B) IPC, to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months rigorous imprisonment for the offence under Section 302 IPC and to undergo three years rigorous imprisonment and to pay a fine of



Rs.1,000/-, in default, to undergo three months rigorous imprisonment for the offence under Section 201 IPC. Challenging the said conviction and sentence, the accused has preferred this criminal appeal along with the above miscellaneous petition for suspension of sentence.

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2. Today, when the matter is taken up for consideration, the learned counsel appearing for the petitioner submitted that the petitioner/A3 is suffering from chronic cancer that too in advanced stage, for which, he is taking Bone Marrow treatment from Madurai Rajaji Hospital, Madurai. In support thereof, the learned counsel has also produced a report dated 06.02.2020, given by Dr.S.Dhamayanthi, Associate Professor of Pathology, Department of Pathology, Madurai Medical College, Madurai - 20.

3. Learned Additional Public Prosecutor has also perused the Doctor's report dated 06.02.2020 and admitted the fact that A3 is undergoing treatment for Chronic Cancer.

4. Heard the learned counsel appearing for the accused as well as the learned Additional Public Prosecutor.

5. A perusal of the report dated 06.02.2020, given by Dr.S.Dhamayanthi, Associate Professor of Pathology, Department of Pathology, Madurai Medical College, Madurai - 20, shows that the petitioner/A3 is suffering from chronic cancer, for which, he is also taking bone marrow treatment. In view of the above, to continue the said treatment by the petitioner/A3, we are inclined to suspend the substantive sentence of imprisonment alone pending appeal.

6. Accordingly, this petition is ordered. The substantive sentence of imprisonment imposed against the petitioner/accused is suspended on condition that the petitioner 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, Karur;

(a) The petitioner shall report before the learned Judicial Magistrate No.II, Karur, at 10.30 a.m., on the first working day of every month pending disposal of the appeal;

(b) The petitioner shall not leave the jurisdiction of Tamil Nadu without seeking leave of this Court till the disposal of the Appeal; and

(c) The petitioner shall furnish his residential address, change of address, if any and the phone numbers to the respondent Police.



7. However, it is made clear that this order cannot be made applicable to other accused.

sd/-
24/02/2020

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

TO

- 1.THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT, KARUR.
 - 2.THE JUDICIAL MAGISTRATE NO II,
KARUR.
 - 3.THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 - 4.THE INSPECTOR OF POLICE
PASUPATHIPALAYAM CIRCLE,
VELLAIYANAI POLICE STATION,
KARUR DISTRICT.
 - 5.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.S.MUTHUKRISHNAN Advocate SR.No.3876

ORDER
IN
CRL MP (MD) No.1404 of 2020
IN
CRL A (MD) No.80 of 2020
Date :24/02/2020

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TK/PN/SAR.4/24.02.2020/3P/8C