



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

Monday, the Sixth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and
The Hon`ble Mr.Justice SUNDER MOHAN

CRL MP(MD) No.13391 of 2022

IN

CRL A(MD) No.518 of 2022

RAJA @ AYIRAI

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.125 OF 2016.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the Petitioner/Appellant in SC.No.116 of 2017 by the Learned III Additional District Sessions Judge, Tirunelveli dt.28.6.2022 and enlarge him on bail pending disposal of the instant Criminal Appeal.

Prayer in CRL A(MD).518/2022 :

To admit the appeal preferred by this Appellant/Accused and call for the records from the Lower Court, and set aside the conviction and sentence imposed on the appellant by the Learned III Additional District Sessions Judge, Tirunelveli in S.C.No.116 of 2017 dated 28.06.2022.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SAMIDURAI K, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner, who is the second accused, convicted for the offence 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 3 months, has filed the above criminal appeal. Pending appeal, the petitioner seeks to suspend the sentence imposed on him.



2.The learned counsel appearing for the petitioner/ it submitted that the sentence imposed on the petitioner/appellant by the trial Court on the ground that the conviction by the trial Court is solely based on the inadmissible portion of the confession statement and weak circumstantial evidence. Alleging that the chain of circumstance is not being linked to each other and therefore, the conviction imposed by the Trial Court is bad. Hence, pending appeal, suspension of sentence to be granted.

3.This Court finds some force in the submission of the learned counsel for the appellant and he has raised arguable points in the appeal. Further, the co- accused has also been granted suspension of sentence earlier by this Court on 28.11.2022, but the learned Additional Public Prosecutor states that the parity cannot be drawn between them.

4.In view of the above, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.116 of 2017 subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, of whom, one should be a blood-related surety, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tirunelveli;

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.

iii. The petitioner shall appear before the Trial Court on the first working day every month, at 10.30 a.m., until further orders.

sd/-

06/02/2023

/ TRUE COPY /

09/02/2023

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

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TO

1 THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.

2 THE III ADDITIONAL DISTRICT SESSIONS JUDGE,
TIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE, TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-1874[I] dated 06/02/2023)

ORDER
IN
CRL MP(MD) No.13391 of 2022
IN
CRL A(MD) No.518 of 2022
Date :06/02/2023

RS/VR/SAR.(09.02.2023) 3P-7C