



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twelfth day of June Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and
The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

CRL MP(MD) No.14277 of 2022
in
CRL A(MD) No.792 of 2022

MURUGAN @ SUBBAIAH

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
KEELAVALAVU POLICE STATION,
MELUR SUB DIVISION,
MADURAI.
IN CRIME NO.195/2010

... RESPONDENT/RESPONDENT

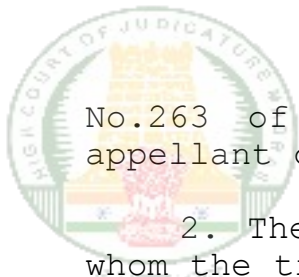
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner in SC No.263/2015 dt.25.08.2022 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai and enlarge him on bail pending disposal of the appeal.

PRAYER IN CRL A(MD).792/2022 :

To call for the records and set aside the order of conviction and sentence passed in S.C.No.263/2015 dated 25.08.2022 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai and allow this appeal and acquit the Appellants/Accused from the charge leveled against them.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.BAALASUNDHARAM, Senior Counsel for M/S.A.K.S.VISHNU, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner / accused to suspend the sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, Madurai, in Sessions Case



No.263 of 2015, dated 25.08.2022 and enlarge the petition / appellant on bail pending the Criminal Appeal.

2. The petitioner is the accused in the said case and against whom the trial Court has given conviction for the offence punishable under Section 302 I.P.C., and punished him to undergo Life Imprisonment and to pay a fine of Rs.1,000/- and in default to undergo Simple Imprisonment for one year.

3. On the side of the prosecution, P.Ws.1 to 18 were examined and Exs.P.1 to P.19 were marked and also material objects M.Os.1 to 5 were marked.

4. Heard Mr.K.Baalasundharam, learned Senior Counsel appearing for the petitioner and Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor appearing for the respondent.

5. Though arguments were advanced by both sides at length, we do not express any view on such arguments as it would have some impact at the time of final hearing of the Criminal Appeal. However, insofar as the petitioner / accused is concerned, he has been in jail since August, 2022, i.e., more than 9 months.

6. Taking note of the said circumstances, as it is not a murder for gain and the victim is the wife and the accused / convict is the husband, the issue under various circumstances, which culminated in the alleged murder as projected by the prosecution side would be considered and decided by the Bench later on at the time of final hearing, for which, it will take reasonable time.

7. In view of the same, we feel that, for the present, the sentence inflicted against the petitioner can be suspended.

8. Accordingly, this petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment is suspended subject to the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Madurai;
- (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; and



(iii) The petitioner shall appear before the learned Sessions Judge, Mahalir Neethimandram, Madurai, once in a month, the first such appearance he shall make insofar as June, 2023 is concerned, on 23.06.2023 at 10.30 a.m. and subsequently every month on the first working day of English Calender he shall appear before the said Court at 10.30 a.m. until further orders and if he is not able to appear before the said Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the said Court on any other day in lieu of the date of his absence, as directed by the said Court.

sd/-

12/06/2023

/ TRUE COPY /

14/06/2023

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

sj

TO

1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM, MADURAI.

2 THE INSPECTOR OF POLICE, KEELAVALAVU POLICE STATION,
MELUR SUB DIVISION, MADURAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.A.K.S.VISHNU, Advocate (SR-8542[I] dated 12/06/2023)

ORDER

IN

CRL MP(MD) No.14277 of 2022
in

CRL A(MD) No.792 of 2022

Date :12/06/2023

RS/SSS/SAR-(14.06.2023) 3P 6C