



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

Tuesday, the Thirteenth day of June Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.7442 of 2023
in
CRL A(MD) No.301 of 2023

UDAYA KUMAR

... APPELLANT/ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
CR.NO.810/2016

... RESPONDENT/COMPLAINANT

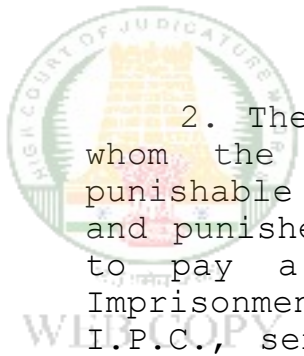
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed against the appellant in S.C.No. 24 of 2017 dated 01.02.2022 on he file of the Hon`ble Additional District and Sessions Judge (Fast Track Mahila Court), Karur and release petitioner on bail till the disposal.

PRAYER IN CRL A(MD).301/2023 :

To call for the entire records connected to the judgment in S.C.No.24 of 2017 dated 01.02.2022 on the file of the Hon'ble Additional District and Sessions Judge (Fast Track Mahila Court), Karur and set aside the conviction and sentence imposed against the appellant.

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.R.MANICKARAJ, Advocate for M/S.KARUNAKARAN.K.M., 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 Additional District and Sessions Judge, (Fast Track Mahila Court), Karur, in Sessions Case No.24 of 2017, dated 01.02.2022 and enlarge the petitioner / appellant on bail pending the Criminal Appeal.



2. The petitioner is the accused in the said case and it is whom the trial Court has given conviction for the offences punishable under Sections 449, 294(b), 324, 302 and 506(ii) I.P.C., and punished him to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.10,000/- in default to undergo Simple Imprisonment for six months for the offence under Section 449 I.P.C., sentenced him to undergo Simple Imprisonment for 3 months and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for 15 days for the offence under Section 294(b) I.P.C., sentenced him to undergo Simple Imprisonment for 2 years and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for 3 months for the offence under Section 324 I.P.C., sentenced him to undergo Life Imprisonment and to pay a fine of Rs.10,000/- in default to undergo Simple Imprisonment for 6 months for the offence under Section 302 I.P.C. and sentenced him to undergo Simple Imprisonment for 2 years and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for 3 months for the offence under Section 506 (ii) I.P.C.,

3. On the side of the prosecution, P.Ws.1 to 32 were examined and Exs.P.1 to P.33 were marked and also material objects M.Os.1 to 5 were marked.

4. Heard Mr.P.Manickaraj, learned counsel appearing for the petitioner and Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor appearing for the respondent.

5. Even though there are 32 witnesses on the side of the prosecution, most of them have turned hostile. Even though it was considered that P.W.1 and P.W.2 are the crucial witnesses, based on the said evidence, whether the Court can come to such a conclusion that the charge of murder under Section 302 I.P.C. framed against the petitioner has been proved beyond reasonable doubt is a question to be decided in the final hearing of the appeal, for which, it will take some reasonable time.

6. Hence, we feel that, considering the confinement that he has already undergone for more than one year, sentence imposed against him can be suspended as of now, hence, this petition is ordered.

7. 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 Judicial Magistrate, Karur;



(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judicial Magistrate, Karur, 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 Additional District and Sessions Judge, Fast Track Mahila Court, Karur, 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/-

13/06/2023

/ TRUE COPY /

16/06/2023

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

SJ

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
(FAST TRACK MAHILA COURT), KARUR.
- 2 THE JUDICIAL MAGISTRATE, KARUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 4 THE INSPECTOR OF POLICE, KARUR TOWN POLICE STATION,
KARUR DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-8702[I] dated 14/06/2023)

ORDER
IN
CRL MP(MD) No.7442 of 2023
in
CRL A(MD) No.301 of 2023
Date :13/06/2023

RS/VR/SAR- (16.06.2023) 3P 8C

<https://www.mhc.tn.gov.in/judis>