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CRL MP(MD) N



22

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

Tuesday, the Fourteenth day of February Two Thousand and Twenty
Three
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN
CRL MP(MD) No.15314 of 2022

IN
CRL A(MD) No.847 of 2022

LOGIDHASAN

... APPELLANTS/SOLE ACCUSED

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE
ANDIPATTI SUB-DIVISION, ANDIPATTI.

2 THE INSPECTOR OF POLICE
ANDIPATTI POLICE STATION, THENI.

3 KARUPPIAH

... 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 execution of the Sentence imposed by the learned Special Court for Trail of cases under scheduled castes and schedule tribes (POA) Act, Theni in Spl.S.C.No.12/2015 dt 09.06.2022 and enlarge the appellant on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD).847/2022 :

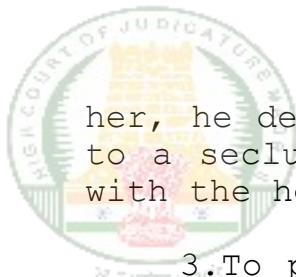
To call for the records pertaining to the judgement rendered by the Hon'ble Special Court for Trail of cases under scheduled castes and schedule tribes (POA) Act, Theni in Spl.S.C.No.12 of 2015 dated 09.06.2022 and set aside the same allowing the appeal.

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.SELVAM D, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent Nos.1 & 2, the court made the following order:-

The petitioner herein found guilty for an offence under Section 302 IPC r/w Section 3(2)(v) of SC/ST (POA) Act, 1989 and sentenced to undergo life imprisonment and fine of Rs.10,000/- in default to suffer one year rigorous imprisonment.

2.The case of the prosecution is that the accused had illicit affair with the deceased and when the deceased insist him to marry

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



her, he decided to murder her and therefore, on 01.09.2011 to a secluded place, had sex with her and thereafter, strangled with the help of her sari and murdered her.

3.To prove the charge against the accused, the prosecution has examined 32 witnesses and 28 exhibits and 32 Material Objects.

4.On various grounds the finding of the trial Court is challenged. Particularly, the evidence of P.W.21-the police photographer, who has categorically state that when he visited the scene of crime and take photograph, he did not see any condom near the dead body and the photographs which were marked as material objects also supports his version. Whereas, P.W.23 the Scientific Officer who claims that when he visited the spot on 02.09.2011 at 7.45 a.m., he saw piece of condom and that condom was collected and sent for serology test and compared in the sperm found in the dress of the deceased person and tallied.

5.Relying the case of circumstantial evidence and the contradictions in the evidence of P.W.21 and P.W.23 the counsel for the petitioner/appellant seeks suspension of sentence pending appeal.

6.This Court finds valid ground in this submission and hence, inclined to suspend the sentence imposed by the Court below in Spl.S.C.No.12 of 2015 subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for a sum of Rs.50,000/- (Rupees Fifty 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 Special Court for Trial of cases under Scheduled Castes and Schedule Tribes (POA) Act, Theni.;

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 of every month at 10.30 a.m., until further orders.

sd/-

14/02/2023

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14/02/2023

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



TO

1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER
SCHEDULED CASTES AND SCHEDULE TRIBES (POA) ACT, THENI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
ANDIPATTI SUB-DIVISION, ANDIPATTI.

3 THE INSPECTOR OF POLICE, ANDIPATTI POLICE STATION, THENI.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+2. C.C. to M/S.SELVAM D Advocate SR.No.2272[I]

ORDER
IN
CRL MP(MD) No.15314 of 2022
IN
CRL A(MD) No.847 of 2022
Date :14/02/2023

RS/VR/SAR.(14.02.2023) 3P-8C