



CRL MP(MD) No.5704 of 2024

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

Thursday, the Twenty Fifth day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
and
The Hon`ble Mr.Justice K. RAJASEKAR

CRL MP(MD) No.5704 of 2024
in
CRL A(MD) No.413 of 2022

SASIKUMAR

... Petitioner / Appellant No.1

Vs

THE INSPECTOR OF POLICE
KALLAKUDI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.74/2014).

... Respondent / Complainant

Criminal Miscellaneous 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 by the Learned III Additional District and Sessions Judge, Tiruchirappalli in SC No.330/2018 dated 14/6/2022 and release the petitioner on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.413 of 2022:

To call for records and set aside the judgment passed by the learned III Additional District and Sessions Judge, Tiruchirappalli in S.C.No.330 of 2018 dated 14.06.2022 and acquit the appellants herein.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments



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of M/S.OM PRAKASH T A, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioner by the learned III Additional District and Sessions Judge, Tiruchirappalli, vide Judgment dated 14.06.2022 in S.C.No.330 of 2018, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 I.P.C. (2 Counts)	To undergo life imprisonment for each count	Rs.10,000/-, in default to undergo one year simple imprisonment for each count.
323 I.P.C.	To undergo six months simple imprisonment	Rs.1,000/-, in default to undergo one month simple imprisonment.

3. The case of the prosecution is that the deceased 1 and 2 are father and son. D1 is the elder brother of the petitioner's father (A3). A2 and A1 are wife and son of A3. There was a dispute between the petitioner's family and deceased's family. On 09.04.2014, at about 06.30 p.m., there was a quarrel between them and in the quarrel, the petitioner had abused the family of the deceased. When the



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deceased had questioned the same, a fight broke out between them. At that time, the petitioner, by using a spear, had inflicted pierced wound on the chest and head of D1. The father of the petitioner / A3 had caused injury on the right shoulder of D1 by using a spear. The petitioner had also attacked D2, who had come for the rescue of his father D1, thereby, both D1 and D2 succumbed to the injuries and the accused fled away from the scene of occurrence.

4. Learned counsel for the petitioner would submit that it is the admitted case of the prosecution that the deceased and the petitioner are relatives and there was a property dispute between their families. The petitioner's father (A3) had gone to the house of his elder brother D1 in the morning hours on 09.04.2014 and requested him to amicably partition the properties and during such time, a quarrel arose between them and D1 had abused the family of the petitioner and thereafter, the petitioner's father (A3) returned back to home. While the petitioner and his parents were standing outside of their house, the family members of the deceased came there and abused the family members of the petitioner. Further, the deceased attacked A3 the father of the petitioner resulting in him sustaining grievous injuries and even as per the prosecution, the petitioner's father (A3) was arrested by the respondent - Police, while he was under treatment at the Government Hospital, Srirangam and even after arrest, he was referred to the Government Medical College



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and Hospital, Trichy, for further treatment. Both the deceased are the aggressors and even as per the prosecution, the petitioner did not have any intention to commit the murder and the occurrence is said to have taken place during a fight in front of the house of the petitioner. As per P.W.8's evidence, the petitioner's father (A3) is the person, who is said to have caused stab injury on the victims. He would further submit that there is absolutely no explanation by the prosecution in respect of the grievous injuries sustained by the petitioner's father (A3) during the occurrence. He would further submit that this Court, taking into consideration the contradiction of the witnesses regarding injuries, has granted bail to the father of the petitioner (A3) by order dated 17.08.2023 in CrI.M.P.(MD) No.13724 of 2022 in CrI.A.(MD) No.412 of 2022 and mother of the petitioner (A2) by order dated 07.07.2022 in CrI.M.P.(MD) No.7739 of 2022 in CrI.a.(MD) No.413 of 2022. Further, there are several arguable points in favour of the petitioner and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.

5. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that though the alleged occurrence is said to have happened before the house of the petitioner, the petitioner and his father are the aggressors. P.W.1 is the injured eyewitness and she has spoken about the overt



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acts of the petitioner and the medical evidence also corroborates the same.

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6. Heard the learned counsel on either side and perused the materials available on record.

7. As per the evidence, the occurrence is said to have taken place in front of the house of the petitioner. In the quarrel and subsequent altercation, the father of the petitioner / A3 is said to have sustained grievous injuries and according to the learned counsel for the petitioner, there is no explanation for the same. Having gone through the records and taking into consideration the facts and circumstances of the case and also the period of incarceration, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

- i. The petitioner is directed to be enlarged on bail on executing a bond for 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 III Additional District and Sessions Judge, Tiruchirappalli.



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- 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 passbook to ensure their identity.
- iii. The petitioner shall appear before the Trial Court at 10.30 a.m., on the first working day of every calender month, until further orders and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.
- iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
25/07/2024

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29/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK



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To

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1.The III Additional District and Sessions Judge,
Tiruchirappalli.

2.The Inspector of Police,
Kallakudi Police Station,
Trichy District.

3.The Superintendent,
Central Prison, Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-8557[I] dated 25/07/2024)

ORDER

IN

CRL MP(MD) No.5704 of 2024

in

CRL A(MD) No.413 of 2022

Date :25/07/2024

ED/ /SAR- (29/07/2024) 7P / 6C

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