

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty First day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.6761 of 2019

IN CRL A.293/2019

1 MURUGESAN
2 SEKAR
3 SATISHKUMAR

[PETITIONERS / APPELLANT]

Vs

THE STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
ANUPARPALAYAM POLICE STATION,
TIRUPPUR-DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.293/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in SC No.156 of 2016 dated 30.01.2019 by the II Additional District Cum Sessions Court, at Tiruppur and to enlarge the petitioners on bail, pending disposal of the above CRL A.293/2019 [IN CRL.MP.NO.6761 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.293/2019 on the file of the High Court and upon hearing the arguments of M/S.MA.P.THANGAVEL, Advocate for the petitioner and of M/S. KRITIKA KAMAL P, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This is a petition to suspend the sentence imposed on the petitioners by the II Additional District cum Sessions Judge, Tiruppur in S.C. No.156 of 2016 on 30.01.2019 and to enlarge the petitioners on bail.

2. It is the case of the prosecution that the deceased Senthil quarrelled with his brother Ganesan and at that time, the accused, who are neighbours, intervened, due to which, quarrel arose, in which, it is alleged that the accused pushed Senthil and had fisted him, resulting in his death.

3. It is stated that there is no previous case against the petitioners. There appears to be no premeditation. That is why, though charges under Section 302 IPC was framed, the Trial Court acquitted them of the said charge, but convicted them under Section 304(ii), IPC and sentenced them to undergo Rigorous imprisonment for

10 years each and fine of Rs.2,000/- each, in default, to undergo imprisonment for a further period of 3 months.

4. Head Mr.Ma.P.Thangavel, learned counsel for the petitioners and Mrs.Kritika Kamal.P, learned Government Advocate for the respondent.

5. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. Moreover, the petitioners have been in incarceration from the date of the judgment, viz., 30.01.2019. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.1, Tirupur and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.1, Tirupur, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioners shall appear before the trial Court on the first working day of every month until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

-sd/-

21/06/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE II ADDITIONAL DISTRICT CUM
SESSIONS COURT, TIRUPPUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
ANUPARPALAYAM POLICE STATION,
TIRUPPUR-DISTRICT.

+1C.C. to M/S.MA.P.THANGAVEL Advocate on payment of necessary
charges SR NO.12347

Order

in
CRL MP.6761/2019

in
CRL A.293/2019

Date :21/06/2019

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RD:24/06/2019

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