

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.16604,16605,

16661 AND 16664 of 2019

IN CRL.A.NOS.773,780 AND 781 OF 2019

SUNDARI [PETITIONER IN CRL.MP.NO.16604/2019]

1 KUPPAN [PETITIONER IN CRL.MP.NO.16605/2019]

2 PRABHU

GOVINDAN [PETITIONER IN CRL.MP.NO.16661/2019]

SAKTHIVEL [PETITIONER IN CRL.MP.NO.16664/2019]

Vs

STATE BY [RESPONDENT
THE INSPECTOR OF POLICE, IN ALL THE PETITIONS]
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT
CR.NO.93/2016

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal Nos.773,780 and 781/2019 on the file of the High Court, the High Court will be pleased to

[i]suspend the sentence and conviction imposed against the petitioner in SC.No.147 of 2016 dated 17.10.2019 by the Additional Dist.Sessions Judge, Krishnagiri and enlarge the petitioners on bail pending disposal of the said criminal appeal No.773, of 2019. [CRL.MP.NO.16604,16605,16661 AND 16664/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.773,780 and 781/2019] on the file of the High Court and upon hearing the arguments of M/S.S.ARIVALAGAN, Advocate [IN CRL.MP.NO.16604 & 16605/2019]AND OF M/S.R.MARUDHACHALAMURTHY Advocate [in CRL.MP.NO.16661 & 16664/2019]for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent[IN ALL THE PETITIONS] the court made the following order:-

[Order of the Court was made by *M.M.SUNDRESH, J.*]

Crl.M.P.No.16604 of 2019 in Crl.A.No.773 of 2019 has been filed by A5 and Crl.M.P.No.16605 of 2019 in Crl.A.No.773 of 2019 has been filed by A1 and A3. Crl.M.P.No.16661 of 2019 in Crl.A.No.780 of 2019 has been filed by A2 and Crl.M.P.No.16664 of 2019 in Crl.A.No.781 of 2019 has been filed by A4.

2.The Additional District Sessions Judge, Krishnagiri by judgment dated 17.10.2019 in S.C.No.147 of 2016 convicted A1 and A3 for the offence punishable under Sections 148, 324 IPC, A4 for the offence punishable under Sections 148, 323 and 324 IPC, A5 for the offence punishable under Sections 148 and 302 r/w 109 IPC. For the offence punishable under Section 148 IPC, A1, A3, A4 and A5 were sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.2,000/- each, in default, to undergo six months simple imprisonment, for the offence punishable under Section 324 IPC, A1, A3 and A4 were sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- each, in default, to undergo six months simple imprisonment, for the offence punishable under Section 323 IPC, A4 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment, for the offence punishable under Section 302 r/w 109 IPC, A5 was sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment. Seeking suspension of sentence, Crl.M.P.Nos.16604, 16605 and 16664 of 2019 have been filed.

3.Learned counsel appearing for the petitioner in Crl.M.P.No.16661 of 2019 in Crl.A.No.780 of 2019 submits that he is not pressing the petition and he has also made an endorsement to that effect. In view of the endorsement made by the learned counsel for the petitioner, **Crl.M.P.No.16661 of 2019 in Crl.A.No.780 of 2019 is dismissed as not pressed.**

4.The case of the prosecution is that there was a prior dispute with respect to the usage of pathway between the deceased on the one hand and the petitioners on the other hand. The deceased was attempting to lay a pipeline, which was objected to by the petitioners. There arose a wordy quarrel, pursuant to which, the petitioners attacked the deceased and committed the offence.

5.Insofar as A1, A3 and A4 are concerned, the trial court suspended the sentence while rendering the conviction and sentencing them for a period of three years. Thus, considering the specific overt act attributed against them, we are inclined to suspend the sentence accordingly.

6.Insofar as A5 is concerned, the case of the prosecution is that he supplied the weapon to A2 which was used for stabbing the deceased. Thus, considering the specific overt act attributed against A5 are inclined to suspend the sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that each of the petitioner viz., A1, A3, A4 and A5 (Petitioners in Crl. M.P. Nos. 16604, 16605 and 16664 of 2019 in Crl.A.Nos.773 and 781 of 2019) executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate No.I, Krishnagiri and on further condition that they shall appear before the Court concerned on the first working day of every month at 10.30 a.m., pending appeals.

-sd/-
27/11/2019

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

TRUE COPY

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

TO

1 THE ADDITIONAL DISTRICT
SESSIONS JUDGE, KRISHNAGIRI

2 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI

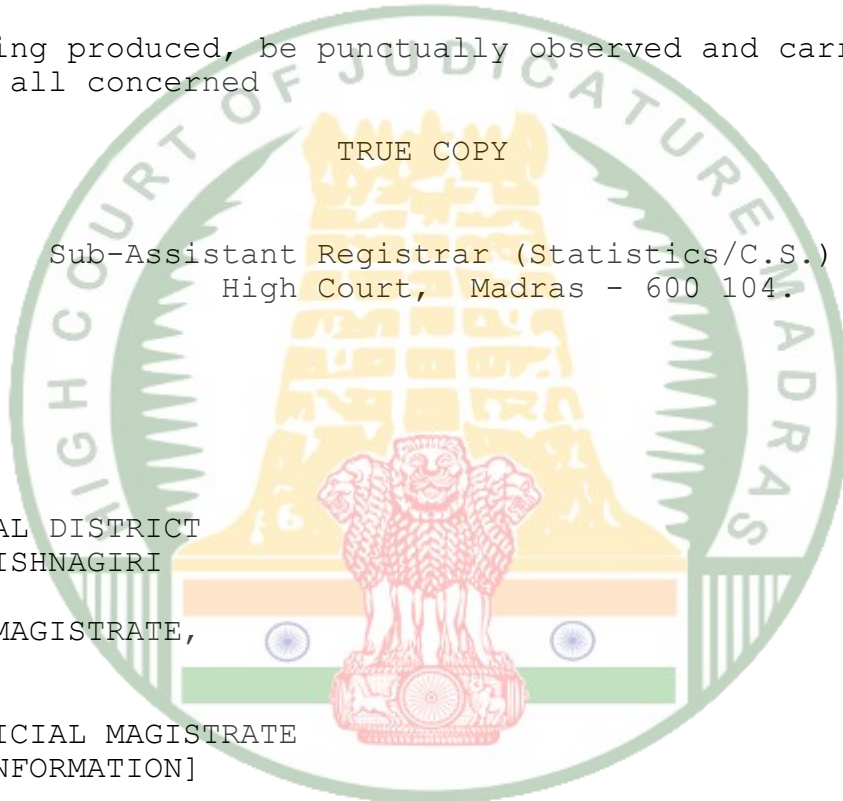
3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI[FOR INFORMATION]

4 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, VELLORE

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

6 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



C.C. to M/S.S.ARIVALAGAN Advocate on payment of necessary charges

+1 C.C. to M/S.R.MARUDHACHALAMURTHY Advocate on payment of necessary charges SR.NO. 24491

Order

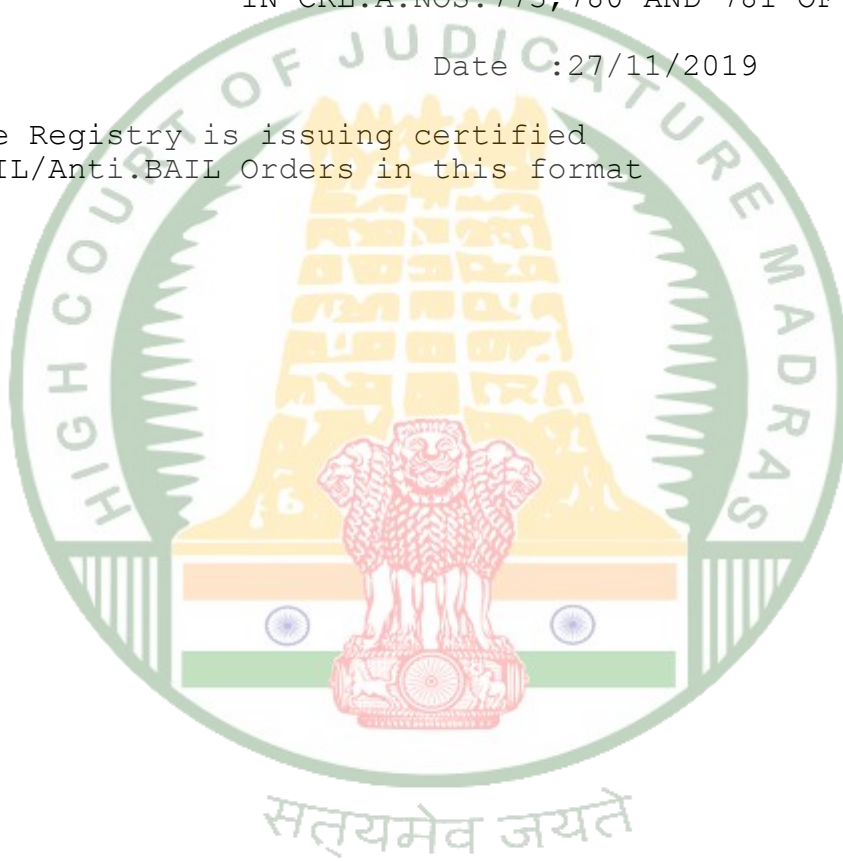
in

CRL MP.16604,16605,16661 AND 16664/2019

IN CRL.A.NOS.773,780 AND 781 OF 2019

Date :27/11/2019

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