

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.09.2020

PRONOUNCED ON : 18.11.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.5110 of 2020

in Crl.A.No.336 of 2020

1.Rajasekar  
2.Suresh

....Petitioners/AA 1 & 2

Vs.

State represented by ....Respondent/Complainant  
The Inspector of Police,  
Nagarasampatti Police Station,  
Krishnagiri District.

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioners by judgment and order dated 18.08.2020 passed in S.C.No.75 of 2019 on the file of the Additional Sessions Court, Krishnagiri and to enlarge the petitioners on bail till the disposal of the appeal.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mrs.P.Kritika Kamal  
Government Advocate (Crl. Side)

**ORDER**

सत्यमेव जयते

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioners by judgment and order dated 18.08.2020 passed in S.C.No.75 of 2019 on the file of the Additional Sessions Court, Krishnagiri and to enlarge the petitioners on bail till the disposal of the appeal.

3. It is the case of the prosecution that the petitioners were the nephew of the deceased Chakravarthy and there was a wordy quarrel between the petitioners and Chakravarthy on 22.07.2018, in which, it is alleged that the petitioners pushed Chakravarthy over a crowbar that was fixed to the ground for coconut peeling, which resulted in the death of Chakravarthy.

4. The petitioners, who were accused in S.C.No.75 of 2019 before the Additional Sessions Court, Krishnagiri, were convicted and sentenced as follows:

| <b>S.No.</b> | <b>Accused</b> | <b>Provision under which convicted</b> | <b>Sentence</b>                                                                                                |
|--------------|----------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 1            | Rajasekar (A1) | Section 304 (II) r/w 34 IPC            | Ten years rigorous imprisonment and fine of Rs.25,000/-, in default to undergo six months simple imprisonment. |
| 2            | Suresh (A2)    |                                        |                                                                                                                |

The entire fine amount was awarded to the wife of Chakravarthy (deceased) for the irreparable loss sustained by her.

5. Challenging the above conviction and sentence, the petitioners have filed Crl.A.No.336 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

6. Heard Mr.E.Kannadasan, learned counsel for the petitioners and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the respondent/State.

7. The learned counsel for the petitioners submitted that Chakravarthy had accidentally slipped and fallen on the crowbar and he was not deliberately pushed by the petitioners.

8. It is seen that after the incident, the petitioners had carried Chakravarthy to a private hospital for treatment, but, en route he died.

9. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioners have been in incarceration from 18.08.2020. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

10. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:

- (i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the District Munsif-cum-Judicial Magistrate, Pochampalli;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the District Munsif-cum-Judicial Magistrate, Pochampalli may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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.

-sd/-  
18/11/2020

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 SESSIONS JUDGE,  
KRISHNAGIRI DISTRICT.

2 THE DISTRICT MUNSIF-CUM  
-JUDICIAL MAGISTRATE, POCHAMPALLI.

3 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,  
NAGARASAMPATTI POLICE STATION,  
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT OF PRISON,  
CENTRAL PRISON, VELLORE.

+2 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary  
charges SR.NO.7572

Order  
in  
CRL MP.5110/2020  
in  
CRL A.336/2020  
Date :18/11/2020

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TA-18/11/2020

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