

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

CRL MP No. 7520 of 2020
in Crl.A No. 202 of 2020

Arumugam ... Petitioner

vs

The State Rep. by
The Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District. ... Respondent
(Cr.No.195 of 2017)

Petition filed under Section 389(1) r/w 439 of Cr.P.C to suspend the sentence imposed against the petitioner in S.C.No. 18 of 2018 on the file of the II Additional District and Sessions Judge, Vellore District @ Ranipet, Vellore District dated 19.02.2020 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.202/2020 on the file of this Court.

For Petitioner .. Mr.V.Parthiban
for Mr.E.Kanndasan

For Respondent .. Mr.K.Prabhakar,
Addl. Public Prosecutor

ORDER

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

The petitioner has been arrayed as A2 in S.C.No. 18 of 2018 on the file of II Additional District and Sessions Judge, Vellore District @ Ranipet, Vellore District. The trial Court by judgment dated 19.02.2020 convicted the petitioner for the offence punishable under Sections 324 and 302 IPC. For the offence punishable under Section 324 IPC, imposed a fine of Rs.2000/-, in default, to undergo three months simple imprisonment and for the offence punishable under Section 302 IPC, sentenced him to undergo imprisonment for life and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment. Seeking suspension of sentence imposed, the present petition has been filed.

2. This petitioner is the father of A1. The dispute arose pursuant to the proprietary right over the land stated to be under the possession of this petitioner. When the petitioner tried to clear the land so as to utilize it for the purpose of cultivation, there arose a dispute between the two groups, pursuant to which, the occurrence is stated to have happened.

3. Learned counsel appearing for the petitioner submitted that apart from the period of incarceration both the petitioner and A1 sustained injuries. The doctor's report is also to the effect that the injuries are cut injuries. The trial Court has not considered these aspects. One of the eye witnesses, namely, P.W.5 has stated about this, though turned hostile. Thus, the suspension of sentence will have to be granted.

4. Learned Additional Public Prosecutor appearing for the State submitted that there are eye witnesses to the occurrence, namely, P.Ws 1 to 3 and 5. The Doctor has deposed in tune with the statement given by the eye witnesses with respect to the injuries suffered, namely, P.Ws. 10 and 11. Therefore, the present petition will have to be dismissed.

5. There appears to be a clash between the two groups. Even from the evidence of the doctor, one could see that A1 and this petitioner suffered injuries. The injuries are also cut injuries. Thus, considering the above, and taking note of the period of incarceration, we are inclined to suspend the sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner 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, Arakkonam, and on further condition that the petitioner shall report before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

14/12/2020

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 II ADDITIONAL DISTRICT AND SESSIONS
JUDGE, VELLORE DISTRICT @ RANIPET,
VELLORE DISTRICT.

2 THE JUDICIAL MAGISTRATE,
ARAKKONAM.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
ARAKKONAM TALUK POLICE STATION,
VELLORE DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.8179

Order

in

CRL MP.7520/2020

in

CRL A.202/2020

Date :14/12/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-15/12/2020

सत्यमेव जयते

WEB COPY