

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.M.P.No.8070 of 2020

in CRL.A.No.502 of 2020

R.Subramani Naidu

... Petitioner

Vs.

Inspector of Police,  
Pothatturpet Police Station,  
Thiruvallur District.  
Crime No.26/2015

.... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Sections 397(1) r/w 439 of Criminal Procedure Code to suspend the conviction of sentence imposed upon the petitioner/appellant in S.C.No.316 of 2016 on the file of the Principal Sessions Judge, Thiruvallur dated 23.11.2020 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.R.Rajasekaran

**ORDER**

This Criminal Miscellaneous Petition has been filed to suspend the conviction of sentence imposed upon the petitioner/appellant in S.C.No.316 of 2016 on the file of the Principal Sessions Judge, Thiruvallur dated 23.11.2020 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The case of the prosecution is that the accused without proper permission from Electricity Board, had put up electrical fence around his agricultural land, thereby, caused death of one Sanjeevi. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the Court below erred in convicting the petitioner only on mere conjectures and surmises. Further, he submitted that the respondent police has wilfully not taken any photos in the scene of occurrence to establish that the deceased died due to the electrocution caused by the electrical fence put up around the accused's agricultural land.

4. The learned Additional Public Prosecutor would submit that accused without proper permission from Electricity Board, had put up electrical fence around his agricultural land, thereby, caused death of one Sanjeevi. Hence, he opposed for grant of suspension of sentence to the petitioner.

5. In view of the above submission, this Court is inclined to suspend the sentence on condition that the petitioner is directed to give a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the sons of the deceased namely Chinathambi and Jagannathan on or before 19.01.2021. This payment of money will not be construed as admission of guilt and on such deposit, this payment of money will not be construed as admission of guilt the petitioner is directed to be enlarged on bail on condition to execute 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 the learned Principal Sessions Judge, Thiruvallur within a period of 15 days from the date of receipt of a copy of this Order and on further condition that the petitioner shall appear before the said Court once in three months at 10.30 a.m. till the disposal of the revision.

-sd/-  
22/12/2020

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 PRINCIPAL SESSIONS JUDGE,  
THIRUVALLUR.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL, CHENNAI.

3 THE INSPECTOR OF POLICE,  
POTHATTURPET POLICE STATION,  
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 C.C. to M/S.R.RAJASEKARAN Advocate on payment of necessary  
charges SR.NO.8631

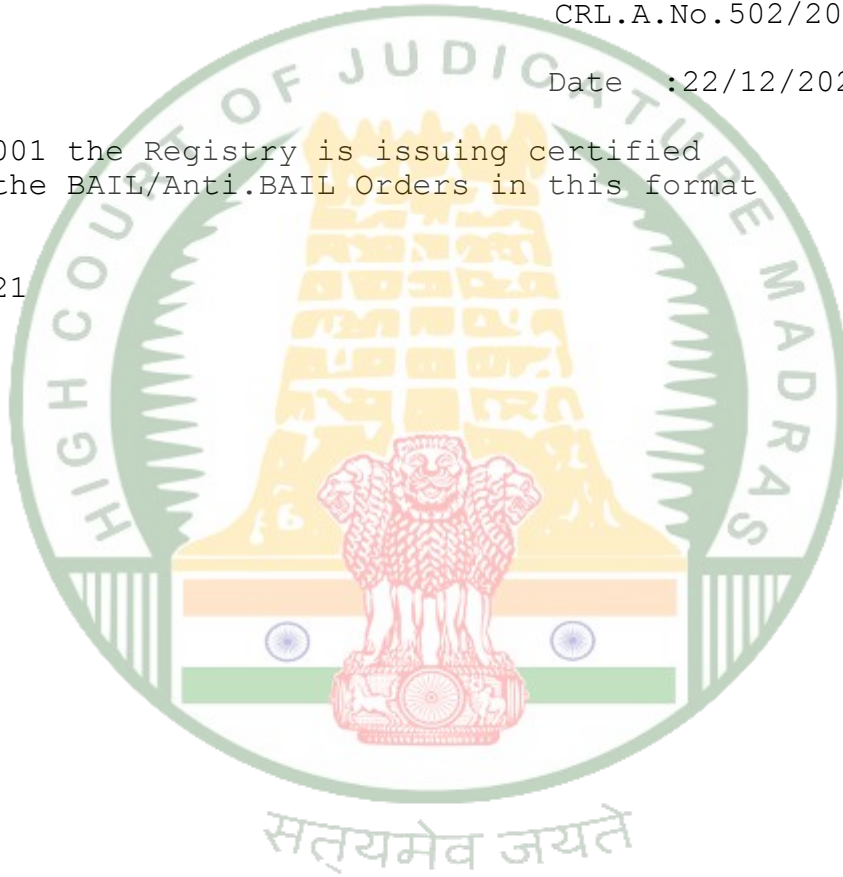
Order

in  
CRL MP.8070/2020  
in  
CRL.A.No.502/2020

Date :22/12/2020

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TA-04/01/2021



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