

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice N. KIRUBAKARAN

and

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL MISCELLANEOUS PETITION No.10054 of 2019

IN CRL.A.NO.448 OF 2019

MINOR KUROSS @ VENKATTAGIRI [PETITIONER]
(NOW CONFINED IN CENTRAL PRISON-1, PUZHAL,
CHENNAI)

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
DENKANIKOTTAI CIRCLE,
THALI POLICE STATION,
KRISHNAGIRI DISTRICT.
(CR.NO.121/2002 ON THE
FILE OF THE THALI P.S)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.448/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner on 26.3.2019 in SC No.7/2007 on the file of the Sessions court for Exculsive Trial of Bomb blast cases, Poonamallee, Chennai and release the petitioner on bail till the disposal of the Criminal Appeal.[CRL.MP.NO.10054/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.448/2019 on the file of the High Court and upon hearing the arguments of M/S.P.PUGALENTHI, Advocate for the petitioner and of Mrs.G.PRABAVATHI Addl. Public Prosecutor on behalf of the Respondent the court made the following order:-

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The convict has filed this petition for suspension of sentence who was convicted under Sections 120 B read with 302, 148 of Indian Penal Code and Section 3 of the Explosive Substances Act in S.C.No.7 of 2007.

2.The case against the petitioner was that he and the deceased Mr.Venkatesan were members of the communist party. When the
<https://theservicescourts.gov.in/services> deceased Mr.Venkatesan switched over from communist party to DMK

party and subsequently, got elected as chairman, it caused heartburn to the petitioner and hence, he along with others went in group and hurled bombs and thereafter, attacked him with knife and poured acid on his face and brutally murdered the said deceased. Hence, the trial Court convicted the petitioner with life imprisonment along with other punishments. Against the said Judgement, the present appeal has been filed and in the said appeal, this petition has been taken out.

3.Mr.P.Pugalenth, learned Counsel for the petitioner would submit that the first and second eyewitnesses of the case had turned hostile and secondly, he would submit that the petitioner has not thrown bomb and it is only fire crackers which are used during Diwali festival and the same was stated in the medical evidence of the experts and further submitted that the medical evidence alone will have prima facie as per the Judgment of the Hon'ble Supreme Court. Moreover, he submitted that no identification parade has been conducted to identify the eye witnesses.

4.He further submitted that though he has taken the defence of alibi in the said case, it has been negatived. However, he submitted that arguable points are there in this appeal and sought for suspension of sentence and the release of the petitioner on bail. However, the learned Additional Public Prosecutor opposed the said contentions stating that it is a murder out of political vendetta coupled with money and sought for dismissal of this petition.

5.It is seen from the Judgement and also from the evidence that it is a cruel murder. It is also seen that PW3 to PW7 are spoken against the petitioner stating that he only had thrown bomb. That apart, considering the fact that bomb has been thrown on the deceased by the petitioner and thereafter, he joined with the other persons and attacked him with knife and poured acid on his face and murdered him brutally, it may not be possible at this stage to suspend the sentence of the petitioner.

6.Accordingly, this petition is dismissed.

-sd/-

09/03/2020

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 SESSIONS COURT FOR
EXCLUSIVE TRIAL OF BOMB BLAST CASES,
POONAMALLE, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, -I, PUZHAL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
DENKANIKOTTAI CIRCLE,
THALI POLICE STATION,
KRISHNAGIRI DISTRICT.
(CR.NO.121/2002 ON THE FILE OF THE THALI P.S)

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

Order

in
CRL MP.10054/2019

IN CRL.A.NO.448 OF 2019

Date :09/03/2020

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