

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. M.P. No. 18748 of 2019

in

Crl.A. No. 897 of 2019

1.Govindammal
2.Vasant

... Petitioners /
Accused 2 and 4

Vs.

The State represented by the Inspector of Police
Kambainallur Police Station
Dharmapuri District.
Crime No.278 of 2012

... Respondent/ Complainant

PRAYER : Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code praying to suspend the sentence passed by the learned Additional Sessions Judge, Dharmapuri, Dharmapuri District in S.C.No.48 of 2014 dated 12.11.2019 against the petitioners and enlarge the petitioners on bail pending disposal of the Criminal Appeal.

For Petitioners : Mr.V.Rajmohan

For Respondent : Mrs. M.Prabhavathi,
(Additional Public Prosecutor)

ORDER

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

The matter was heard through "Video Conferencing".

2.This petition has been filed to suspend the life sentence imposed on the petitioners/second and fourth accused in S.C.No.48 of 2014 by the learned Additional Sessions Judge, Dharmapuri, Dharmapuri District, by judgment dated 12.11.2019 with regard to murder of one Aqumari.

3. The case of the prosecution is that the victim along with other persons came in a car to pick up quarrel with the third accused. At that time, the accused persons picked up a quarrel with the victims and in the process, fourth accused took a knife from his house and on noticing the same, P.W.3 and P.W.20 tried to snatch the knife and chased him. At that time, all other accused joined together and attacked the victims with knife. In the process, the victim namely, Aquamari died and P.W.1 and P.W.2 who are the eye-witnesses got injured.

4. Mr. V. Rajmohan, learned counsel appearing for the petitioners/appellants would submit that even though the petitioners/second and fourth accused, who are mother and son respectively, are present in the scene of occurrence, no specific overt act has been alleged against them. Therefore, he prays this Court to suspend the sentence against the petitioners/accused.

5. On the other hand, Mrs. M. Prabhavathi, learned Additional Public Prosecutor appearing on behalf of the respondent submitted that there is a wordy quarrel between both the parties and one party clashed with each other. In the process, the victim namely, Aquamari died and P.W.1 and P.W.2, who are the eye-witnesses got injured. Hence, she sought for dismissal of the petition.

6. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials on record.

7. It is seen from the records that the victims came in a car with an intention to pick up quarrel with the accused persons and there was a clash between them. Due to quarrel, fourth accused took up a knife and on noticing the same, P.W.3 and P.W.20 tried to snatch the knife and chased him. At that time, all other accused have joined together and attacked the victims. The first petitioner/second accused is an old lady and the second petitioner/fourth accused is her son. It is a clash between a family and a local group. There is no specific overt act alleged against second and fourth accused and they were only present in the scene of occurrence. Therefore, arguable points are involved in this appeal.

8. Considering the above facts and submissions, this Court is inclined to order suspension of sentence against the petitioners/accused. Accordingly, the substantive sentence of imprisonment imposed by the learned Additional Sessions Judge, Dharmapuri, Dharmapuri District, against the petitioners alone is suspended on the following conditions:

(i) Both the petitioners (A2 and A4) are directed to execute their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Superintendent of Prison, Special Prison, Vellore and the Superintendent of Prison, Central Prison, Vellore, respectively in view of the prevailing pandemic situation.

(ii) Since the first petitioner is a lady aged about 60 years, there is no necessity for her appearance before the Police Station.

(iii) The second petitioner must appear before the concerned jurisdictional Police Station, once in fifteen days at 10.30 A.M. until further orders.

-sd/-
20/07/2020

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
DHARMAPURI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN AT VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KAMBAINALLUR POLICE STATION,
DHARMAPURI DISTRICT.

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

WEB COPY

Order
in
CRL MP.18748/2019

in
CRL.A.897/2019

Date :20/07/2020

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CS 12/08/2020