



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twentieth day of February Two Thousand Twenty

PRESENT

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The Hon`ble Mr.Justice T.RAJA
and
The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.417 of 2020
IN
CRL A(MD) No.34 of 2020

A.KALIDASS

... PETITIONER/ APPELLANT/
APPELLANT/ SOLE ACCUSED

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
CB-CID, MADURAI RANGE, MADURAI.
(IN CRIME NO.2 OF 2014)

... RESPONDENT/ RESPONDENT/
RESPONDENT/ COMPLAINANT

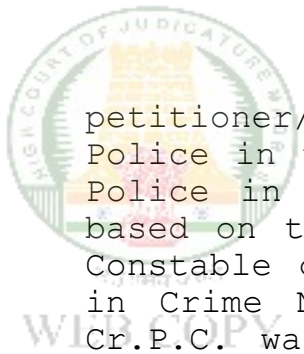
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on me in judgment dated 14.11.2019 made in S.C.No.86 of 2015 on the file of the learned Principal District and Sessions Judge, Ramanathapuram and enlarge the petitioner on bail pending disposal of the above CRL.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.VEERAKATHIRAVAN, Senior Counsel for M/S.J.LAWRANCE, Advocate for the petitioner and of Mr.R.ANANDARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by T.RAJA, J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner in S.C.No.86 of 2015, dated 14.11.2019, by the learned Principal District and Sessions Judge, Ramanathapuram, and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

2.Mr.Veera Kathiravan, learned Senior Counsel appearing for the petitioner/appellant assailing the impugned conviction and the consequential sentence imposed by the Trial Court pleaded that the

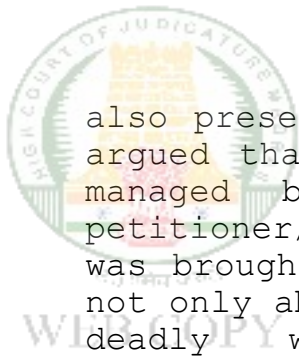


petitioner/appellant was directly recruited as Sub-Inspector of Police in the year 2011. While he was working as Sub-Inspector of Police in S.P.Pattinam Police Station in Ramanathapuram District, based on the complaint of one Ayyappan, who was working as a Head Constable of the said S.P.Pattinam Police Station, a Criminal Case in Crime No.91 of 2014 for the offence under Section 176(1) of Cr.P.C. was registered, in connection with the death of one Syed Mohammed, S/o.Kattuva @ Allapitchai of S.P.Pattinam. In the said complaint, it has been stated that on 14.10.2014 one Aruldass, S/o.Simion of S.P.Pattinam, a Mechanic had lodged a complaint that the deceased Syed Mohammed had attempted to murder him in respect of a dispute of not handing over a bike, which was given for repair by his friend viz., Salibu. In this regard, since there was a quarrel occurred at the instance of the deceased Syed Mohammed with the complainant, the petitioner/appellant on receipt of the information, had instructed the complainant Ayyappan and other Police Personnels, viz., Duraikannu and John Ravi to secure the said Syed Mohammed. Pursuant thereto, the complainant and the said two Police Personnels went to the Mechanic Workshop, which is located just opposite to the Police Station. After securing the said Syed Mohammed, it was found that he was under the influence of alcohol and was abusing everybody in filthy language. However, he was brought to the Police Station. During the course of interrogation in the petitioner's/appellant's Room attached to the Police Station, he was unable to answer even for a single question and at one point of time, although the petitioner/appellant peacefully continued his interrogation, finding difficulties in facing the problem created by Syed Mohammed, he almost came to the last stage to give up the enquiry, but the said Syed Mohammed took a knife kept on the table in the Police Station and assaulted the petitioner/appellant. In the melee, the petitioner/appellant had also sustained three injuries.

3.After bringing to our notice the following injuries sustained by the petitioner/appellant, which are three in number, the learned Senior Counsel appearing for the petitioner/appellant explained that the injuries sustained by the petitioner/appellant were grievous in nature.

- '1.Laceration of sized 2 x 0.5 x 0.2 cm on the R and ring finger.
- 2.Linear abrasion of size 4 x 0.5 m over the forearm.
- 3.Linear abrasion of size 8 x 0.1 cm over side of abdomen.'

One of the injuries sustained by the petitioner/appellant in his abdomen is a grievous in nature, in addition to that, he had also sustained two other injuries and finding no one to aid him instantaneously, he had used his Revolver. The learned Senior Counsel drawing our attention to the Postmortem Certificate of the said Syed Mohammed, which clearly shows that the deceased Syed Mohammed was fully drunken and 812 Milligrams of Methane Alcohol was



also present in the stomach of the deceased Syed Mohammed, further argued that when the deceased was fully drunken, he could not be managed by the other Police Personnels, unfortunately, the petitioner/appellant, who was serving as a Sub-Inspector of Police, was brought to make interrogation with the deceased. Since he has not only abused, but also attacked the petitioner/appellant by using deadly weapon and caused multiple injuries to the petitioner/appellant, unfortunately, the petitioner/appellant had used his Revolver, as a result, the deceased succumbed to the injury and there was no motive to cause injury to the deceased by the petitioner/appellant.

4.Mr.R.Anandaraj, learned Additional Public Prosecutor appearing for the respondent opposing the prayer for suspension of sentence, argued that when the petitioner/appellant was well aware of the fact that the deceased was in a drunken mood, he should avoid the further interrogation and he should never continue the investigation further and he should wait for some time, but he has continued interrogation, as a result, the melee has occurred and finally, in any event, he ought not to have opened fire from his Revolver.

5.Heard the learned counsel appearing for the parties.

6.From the evidence adduced by the Doctor, it is seen that the deceased was fully drunken and 812 Milligrams of Methane Alcohol was found in his stomach. Secondly, when he was brought to the Police Station, on the basis of the complaint given by three Police Personnels, it was the consistent plea of the said three Police Personnels that they were unable to manage the deceased, hence, the petitioner/appellant, who was serving as a Sub-Inspector of Police was brought to make interrogation with the deceased and he has become victim of circumstances. As the alleged incident took place during the course of interrogation inside the Police Station and the matter has to be examined further by this Court, the substantive sentence of imprisonment imposed against the petitioner/appellant may be suspended and accordingly, it is suspended on condition that he shall 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 Judicial Magistrate No.II, Ramanathapuram and on further conditions that;

(a) The petitioner shall stay at Trichy and report before the learned Judicial Magistrate No.I, Trichy, daily at 10.30 a.m., until further orders;

(b) The petitioner shall not leave the jurisdiction of Tamil Nadu without seeking leave of this Court till the disposal of the Appeal; and



(c) The petitioner shall furnish his residential address, change of address, if any and the phone numbers to the respondent police.

sd/-
20/02/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
 2. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM DISTRICT.
 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 4. THE JUDICIAL MAGISTRATE NO.I, TRICHY.
 5. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 6. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 7. THE DEPUTY SUPERINTENDENT OF POLICE,
CB-CID, MADURAI RANGE, MADURAI.
 8. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.J.LAWRANCE Advocate SR.No.7655

ORDER
IN
CRL MP (MD) No.417 of 2020
IN
CRL A (MD) No.34 of 2020
Date :20/02/2020

MS/VR/SAR-3/21.02.2020/4P.10C