



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

Monday, the Second day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.311 of 2019

IN

CRL A(MD) No.6 of 2019

J.PRINCE KUMAR

...APPELLANT/ACCUSED

Vs

1.THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
LALGUDI, TRICHY DISTRICT.
CRIME NO.315/2012

2.THE INSPECTOR OF POLICE,
LALKUDI POLICE STATION,
LALGUDI, TRICHY DISTRICT.

3.KARAL MARX(DIED)

... RESPONDENTS/COMPLAINANTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence and conviction imposed by the learned I Additional District and Sessions Judge (PCR) Tiruchirapalli dated 20.12.2018 made in Special Session Case No. 29/2014 and to enlarge the petitioner on bail pending disposal of the Criminal Appeal.

PRAYER IN CRL A(MD)No.6 of 2019:

Pleased to set aside the judgment dated 20.12.2018 made in Special Sessions Case No.29/2014 on the file of the learned I Additional District and Sessions Judge(PCR), Tiruchirapalli and allow the above criminal appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.C.JEGANATHAN, Advocate for M/S.VEERA ASSOCIATES, Advocate for the Appellant and of Mrs.S.BHARATHI Government Advocate for R1 and R2, while admitting the Criminal Appeal., the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned I Additional District and Sessions Judge (PCR), Tiruchirapalli, dated 20.12.2018 made in Special Sessions Case No.29 of 2014 and to enlarge the petitioner on bail pending the disposal of the appeal.



2.The case against the petitioner is that due to family dispute, on 17.06.2012 at about 4.45 pm, the petitioner wrongfully obstructed the defacto complainant / Karalmarx and abused him with filthy language and also threatened him with dire consequences and insulted him by using the name of his community. A case was registered against the petitioner in Crime No.315 of 2012 by the Lalgudi Police and the same was taken on file as P.R.C.No.10 of 2013 by the Judicial Magistrate, Lalgudi. Then, the case was taken on file in Special Session Case No.29 of 2014, on the file of the Special Court / I Additional District and Sessions Court, Tiruchirapalli. The I Additional District and Sessions Court found the petitioner guilty under Sections 294(b), 341 and 506 (i) I.P.C. and acquitted him for an offence under Section 3(1)(x) of SC/ST (POA) Act. The trial Court convicted the petitioner under Section 294(b) of IPC and sentenced him to undergo three months rigorous imprisonment and to pay a fine of Rs.500/- (Rupees Five Hundred only) in default to undergo one month simple imprisonment and under Section 341 of IPC, sentenced him to undergo one month simple imprisonment and to pay a fine of Rs.100/- (Rupees One Hundred only) in default to undergo seven days simple imprisonment and under Section 506(i) of IPC, sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.500/- (Rupees Five Hundred only) in default to undergo one month simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal and along with the appeal, he filed this petition for suspension of sentence.

3.It is stated that the defacto complainant / Karalmarx is dead. A memo to that effect was filed by the petitioner.

4.On the side of the petitioner, it is stated that the petitioner was released on interim bail as per the order of this Court in Crl.M.P.(MD)No.311 of 2019, dated 11.01.2019 and the same was extended on 13.02.2019. It is further stated that the petitioner is already enjoying the order of this Court and prayed the suspension of sentence ordered to be made absolute.

5. On the side of the respondent, it is stated that prosecution has examined 9 witnesses [P.W.1 to P.W.9] and marked 7 documents [Ex.P1 to P7] and the prosecution has proved the case beyond all reasonable doubts and prayed for dismissal of the petition.

6. Considering the facts and circumstances of the case, this Court is inclined to grant suspension of sentence till the disposal of the appeal on the following conditions:

- (i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge (PCR), Tiruchirapalli.



(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their any valid identity proof to ensure their identity.

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(iii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
02/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE (PCR) TIRUCHIRAPALLI.
- 2.THE DEPUTY SUPERINTENDENT OF POLICE,
LALGUDI, TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
LALKUDI POLICE STATION,
LALGUDI, TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.VEERA ASSOCIATES Advocate SR.No.7238

ORDER
IN
CRL MP(MD) No.311 of 2019
IN
CRL A(MD) No.6 of 2019
Date :02/11/2020

LS
TK/VR/SAR.2/23.11.2020/3P/7C