

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of January Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL MISCELLANEOUS PETITION No.4209 of 2020

IN CRL A.257/2020

S.RAJKUMAR

[PETITIONER / APPELLANT /
ACCUSED-3]

Vs

THE STATE REP.BY [RESPONDENT / RESPONDENT /
THE INSPECTOR OF POLICE, COMPLAINANT]
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.257/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Principal Sessions Judge, Namakkal in S.C.No.2 of 2013 on 28.02.2020 by convicting the appellant/accused-3 to undergo life sentence for alleged offence under section 120(B) of IPC and imposed a fine of Rs.5,000/- in default to undergo simple imprisonment for 4 years and rigorous imprisonment for 10 years for the alleged offence under section 364 of IPC and imposed a fine of Rs.5,000/- in default to undergo 30 months simple imprisonment and to undergo imprisonment for life for alleged offences under Section 302 r/w 120(B) of IPC and imposed a fine of Rs.5,000/- in default to undergo simple imprisonment for 4 years and to undergo 10 years rigorous imprisonment for alleged offences under section 392 r/w 120(B) of IPC and imposed a fine of Rs.10,000/- in default to undergo simple imprisonment for 30 months and further to undergo rigorous imprisonment of 3 years for alleged offence under section 201 of IPC and imposed a fine of Rs.5,000/- in default to undergo imprisonment for 9 months, pending disposal of this Crl.A.No.257/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.257/2020 on the file of the High Court and upon hearing the arguments of M/S.K.KANNAN, Advocate for the petitioner and of M/S. K.PRABAKAR, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

(Order of the Court was made by P.N.PRAKASH,J)

This criminal miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed on the petitioner (A3) by judgment and order dated 28.02.2020 passed in S.C.No.2 of 2013 on the file of the Principal Sessions Court, Namakkal.

2. It is the case of the prosecution that Dhanraj (A4), who was the owner of the lorry, had purchased it on hire purchase from City Finance at Salem; since he (A4) was unable to pay the dues, the lorry was seized and was kept in the workshop of Ravikumar (PW13); in order to raise funds for the payment of the amount due, the accused planned to abduct the deceased, who was wearing gold ornaments; the deceased was abducted, murdered and the gold ornaments were taken away.

3. Mr.K.Kannan, learned counsel for the petitioner submitted that the trial Court has acquitted Muruganantham (A2) and Suresh (A6) and this Court has granted the relief of suspension of sentence and bail to Dhanraj (A4).

4. This Court carefully perused the judgment of the trial Court. It is seen that the petitioner (A3) herein has been identified by Vinoth (PW6) as one of the persons, who had come to take the deceased from the workshop, along with the other accused.

5. It is also seen that pursuant to the disclosure of the statements of the petitioner (A3), an Ambassador car (M.O.11) that was used for the offence, red color towel (M.O.9) that was used to strangle the deceased and L-shaped spanner (M.O.10), which was used to attack the head of the deceased, were recovered.

6. The case of Dhanraj (A4) is not in pari materia with that of the petitioner (A3) herein, inasmuch as, Dhanraj (A4) was convicted based on the confession statement alone.

7. In such view of the matter, this is not a fit case to suspend the sentence of imprisonment and grant bail to the petitioner.

In the result, this criminal miscellaneous petition is dismissed. The Registry is directed to call for the records, prepare the typed set of papers and post the main appeal for final hearing.

-sd/-

06/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S.K.KANNAN Advocate on payment of necessary charges

Order

in
CRL MP.4209/2020

in
CRL A.257/2020

Date :06/01/2021

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