



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION NOS.6373,6377,9768 AND 9769 of 2021

IN CRL.A.NOS.316,317 AND 440 of 2021

1.K.GOVINDARAJ
2.PAPPAN @ MUNIAN
3.RAVIKUMAR
4.SRINIVASAN

[PETITIONERS/APPELLANT/ACCUSED]
CRL.MP.NO.6373/2021 IN CRL.A.NO.316/2021

RAJA

[PETITIONER/APPELLANT/ACCUSED
CRL.MP.NO.6377/2021 IN CRL.A.NO.317/2021]

1.MECHERI
2.MURUGESAN

[PETITIONERS/APPELLANT/ACCUSED
CRL.MP.NOS.9768 AND 9769 /2021 IN CRL.A.NO.440/2021]

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI TALUK & DISTRICT.
(*) (CR.NO.677 OF 2017)

[RESPONDENT
IN ALL THE PETITIONS]

Petitions praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i)Pass an order for Suspending the sentence imposed on them in S.C.No.110 of 2018 dated 18.03.2021 passed by the learned Principal Sessions Judge, Krishnagiri and enlarge them on bail CRL.MP.NOS.6373 AND 6377/2021. (IN CRL.A.NOS.316 AND 317/2021)

(ii)Suspend the sentence awarded against the Appellants vide, Judgment dated 18.03.2021 passed in S.C.NO.110/2018 by the Learned Principal Sessions Judge, Krishnagiri, till disposal of the main CRL.A.NO.440/2021 (IN CRL.MP.NO.9768/2021)



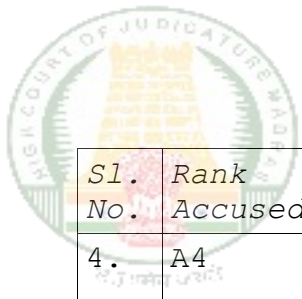
(iii) Exempt the Appellants to surrender before the Trial Court and to file the main Criminal Appeal against the Judgment dated 18.03.2021 passed in S.C.NO.110/2018 by the Learned Principal Sessions Judge, Krishnagiri. CRL.MP.NO.9769/2021 IN CRL.A.NO.440/2021).

Order : These petitions coming on for orders upon perusing the petitions and the filed in support thereof and upon hearing the arguments of M/S.T.NAVEEN CHANDAR, Advocate for the petitioners in CRL.MP.NOs.6373 AND 6377/2021 IN CRL.A.NOs.316 AND 317/2021 and of M/S.V.VIJAYAKUMAR Advocate for the Petitioners in CRL.MP.NOs.9768 AND 9769 /2021 IN CRL.A.NO.440/2021 and of MR.S.SUGENDRAN Govt. Advocate (Crl. Side) (IN ALL THE PETITIONS) on behalf of the Respondent the court made the following order:-

These Criminal Miscellaneous Petitions have been filed by the Petitioners/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 18.03.2021 passed in S.C.No.110 of 2018, by the learned Principal District and Sessions Judge, Krishnagiri, and Crl.M.P.No.9769 of 2021 has been filed to exempt the Petitioners/ A8 & A11, from surrendering before the Trial Court, pending disposal of the Criminal Revision Cases.

2 The respective learned counsel appearing for the petitioners in the above criminal appeal cases would submit that the trial Court failed to take into consideration the discrepancies in the case of the prosecution. The evidence of the Doctors viz.P.W.11 and P.W.12 are clear that the wound sustained by P.Ws.1 to 3 are simple in nature and they have also deposed that the time of alleged incident is during noon, which is contrary to the evidence of the witnesses that the occurrence took place during the night house. The learned counsel would submit that pending the above revision A1 arrested on 28.11.2021 and A11 arrested on 29.11.2021. The details of the conviction and sentence imposed on the accused are as follows:

Sl. No.	Rank of the Accused	Sections of IPC	Imprisonment	Fine	Default sentence
1.	A1	148	Three months RI	Rs.500	Two weeks SI
		324	Three months RI	Rs.500	Two weeks SI
2.	A2	148	Three months RI	Rs.500	Two weeks SI
		324	Four months RI	Rs.500	Two weeks SI
3.	A3	147	Two months RI	No fine	
		324	Three months RI	Rs.500	Two weeks SI



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Sl. No.	Rank of the Accused	Sections of IPC	Imprisonment	Fine	Default sentence
4.	A4	148	Three months RI	Rs.500	Two weeks SI
		324	Three months RI	Rs.500	Two weeks SI
5.	A5	148	Three months RI	Rs.500	Two weeks SI
		324	Three months RI	Rs.500	Two weeks SI
6.	A8	147	Two months RI	No fine	
7.	A11	147	Two months RI	No fine	

3 According to the learned counsel for the Petitioners/accused, there are arguable points available in the above criminal appeals, which are not likely to be taken for final hearing in the near future and the Petitioners/ accused have got a fair chance of succeeding in the appeals and hence, the sentence imposed against the Petitioners/Accused may be suspended and the Petitioners in CrI.M.P.No.9769 of 2021 may be exempted from surrendering before the Trial Court.

4 The learned Government Advocate (CrI.Side) appearing for the respondent police would submit that the prosecution has proved its case beyond reasonable doubt by examining the witnesses and would pray to dismiss the petitions.

5 Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) appearing for the respondent and perused the materials on record.

6 Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners, this Court is of the view that the substantive sentence of imprisonment alone can be suspended and bail is granted on the following conditions :-

- i. Each of the petitioners 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.1, Krishnagiri.
- ii. The petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



7 The Criminal Miscellaneous Petitions are ordered accordingly. In view of the order passed in the petitions seeking suspension of sentence, no separate order is required to be passed in the petition seeking exemption from surrendering and accordingly, it is closed.

-sd/-

01/12/2021

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.

(*)Amended as per order of this court dated 09.12.2021 made in CRL.MP.NOs.13208 & 13210/2021 in CRL.A.NOs.317&316/2021 AND CRL.MP.13211/2021 IN CRL.A.NO.440/2021.

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
KRISHNAGIRI.

2 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI TALUK,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2C.C. to M/S.T.NAVEEN CHANDAR Advocate on payment of necessary charges SR.NO.14361 + 14362

+1C.C. to M/S.V.VIJAYAKUMAR Advocate on payment of necessary charges SR.NO.14363



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Order
in

CRL.MP.NOs.6373,6377,9768 AND 9769/2021
in

CRL.A.NOs.316,317 AND 440/2021

Date :01/12/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

CSK 01/12/2021

CSK 09/12/2021