



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

Friday, the Thirteenth day of August Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
and
The Hon`ble Mrs.Justice J.NISHA BANU

Crl.M.P. (MD) .No.2384 of 2021
in
Crl.A. (MD) .No.64 of 2020

VEERAMANI ... PETITIONER/APPELLANT/ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.300/2017.

... RESPONDENT/ RESPONDENT/COMPLAINANT

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 release the Petitioner on bail pending disposal of this Criminal Appeal before this Honourable Court against the Judgement in S.C No.105/2018 on the file of the Honourable Additional District and Sessions Court, Dindigul dated 08.11.2019.

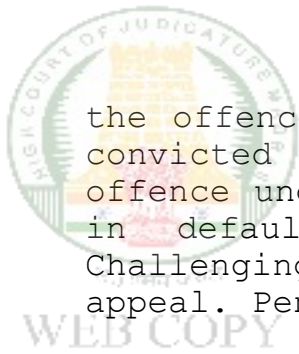
Prayer in Crl.A. (MD) .No.64 of 2020:

To call for the entire records connected to the Judgment in S.C No.105/2018 on the file of the Honourable Additional District and Sessions Court, Dindigul dated 08.11.2019 and release the petitioners/Appellants/Accused Nos.1 and 2 and set aside the conviction and sentence imposed against the appellant.

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.R.ALAGUMANI, Advocate for the petitioner and of MR.S.RAVI, Standing Counsel for state for the respondent, the court made the following order:-

(Order of the Court was made by V.BHARATHIDASAN.,J)

The petitioner, who has been arrayed as accused No.1 in Sessions Case No.105 of 2018, on the file of the Additional District and Sessions Court, Dindigul, was tried along with other accused for



the offences under Sections 342, 302 r/w. 34 of I.P.C., and he was convicted and sentenced to undergo life imprisonment for the offence under Section 302 I.P.C., and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for six months. Challenging the conviction and sentence, he has preferred the appeal. Pending appeal, he seeks suspension of sentence.

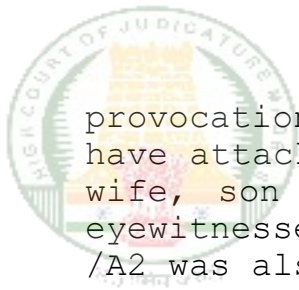
2. The case of the prosecution is that the deceased Suppukalai and the accused are close relatives and there was a civil dispute between the parties in respect of partition of the property. On 22.08.2017, at 8.45 p.m., when the petitioner approached the deceased for partition, it was not accepted by him and there was a quarrel, in which, the second accused caught hold of the deceased, the petitioner/first accused attacked the deceased with M.O.1 - knife on his chest, shoulder and other parts of the body, due to which he died on the spot. Hence, a crime was registered and the trial Judge, on appreciation of evidence, held that the charges against the accused have been proved, convicted and sentenced as stated supra. Challenging the same, the present appeal has been filed, pending appeal, the petitioner sought for suspension of sentence.

3. Mr.R.Alagumani, learned counsel appearing for the petitioner would submit that due to civil dispute, there was a wordy quarrel between the accused and the deceased, and out of sudden provocation, the petitioner/A1 along with other accused said to have attacked the deceased with the weapons available in the scene of occurrence, it is not a predetermined murder. He would further submit that there are five eyewitnesses to the occurrence, out of which, P.Ws.1 to 3 are the wife, son and daughter-in-law, are interested witnesses and the other two witnesses P.Ws.4 and 5 turned hostile. He would also submit that similarly placed co-accused /A2 was granted suspension of sentence.

4. Per contra, Mr.S.Ravi, learned Standing counsel appearing for the respondent would argue that there was a civil dispute between the parties and in order to wreck vengeance, both the accused went to the house of the deceased and attacked him with knife and caused his death. The occurrence has taken place in front of the deceased house and PWs.1 to 3, who are the wife, son and daughter-in-law are present in the scene of occurrence. The trial Court, disbelieving their evidence, has rightly convicted the accused and considering the gravity of the offence, the suspension of sentence need not be granted to the petitioner.

5. Heard the rival submissions and perused the materials available on records.

6. The petitioner and the deceased are closely related, there was a civil dispute between them, due to the same, on the date of occurrence there was a wordy quarrel arose and out of sudden



provocation, the petitioner along with the other accused said to have attacked the deceased and caused his death. P.Ws.1 to 3 are the wife, son and daughter -in-law of the deceased and the other two eyewitnesses turned hostile. That apart, similarly placed co-accused /A2 was also granted bail.

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7. Considering the above facts, we are of the opinion that the petitioner has made out a *prima facie* case for grant of suspension of sentence, during the pendency of the appeal. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail, on executing 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 Judicial Magistrate, Veda sandur, Dindigul District.

1. The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m., until further orders.

2. On any particular date, if the petitioner is not able to appear, leave is granted to the petitioner to file an application under Section 317 of Cr.P.C. and appear before the trial Court on any other day, as determined by the trial Court, in lieu of the day on which he would absent.

sd/-
13/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DINDIGUL DISTRICT.
- 2 THE JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 4 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P. (MD) .No.2384 of 2021
in
Crl.A. (MD) .No.64 of 2020
Date :13/08/2021

AKV
MK/PN/SAR.I/17.08.2021/4P/7C