



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

Tuesday, the Eighth day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2521 of 2021

IN

CRL A (MD).No.115 of 2020

MANI @ MANIKANDAN

... PETITIONER/
APPELLANT/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
GANESHNAGAR POLICE STATION,
I/C TOWN POLICE STATION,
PUDUKKOTTAI.
CRIME NO.42 OF 2015

... 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 imposed by the Judgment dt.29.11.2019 passed in SC.No.103 of 2016 on the file of the Learned Additional District and Sessions Judge, Pudukottai and enlarge the Petitioner on bail, pending disposal of the Criminal Appeal.

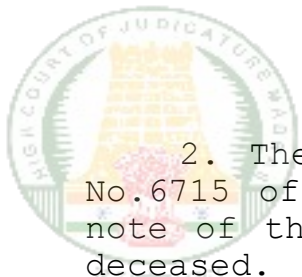
Prayer in CRL.A.(MD) No.115 of 2020:

Criminal Appeal filed under Section 374(2) of Criminal Procedure Code, pleased to set aside the Judgment and Conviction dated 29.11.2019 by the Additional District and Sessions Judge, Pudukottai in S.C.No.103 of 2016 and acquit 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.SOMASUNDARAM.E, Advocate for the petitioner and of MR.S.RAVI, Standing Counsel for Governemnt on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by K.KALYANASUNDARAM.,J)

Heard Mr.E.Somasundaram, learned counsel appearing for the petitioner and Mr.S.Ravi, learned Standing counsel appearing for the
<https://www.mca21.com> perused the materials available on record.



2. The earlier application of the petitioner in Crl.M.P.(MD). No.6715 of 2020 was dismissed by this Court on 20.01.2021, taking note of the fact that the petitioner caused fatal injuries on the deceased.

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3. It is the submission of the learned counsel for the petitioner that the petitioner's father suffered from paralytic attack and he was admitted in Jayaraja Hospital, Pudukottai and after a period of 10 days, he was discharged from the hospital on 01.06.2021. It is also stated that the petitioner's wife is a nurse and she is a frontline worker and she was posted in COVID-19 ward in a private hospital at Pudukottai and that the petitioner's case is to be considered on the principle of parity.

4. The learned Standing counsel appearing for the State vehemently opposed this petition contending that there is no change in circumstances to entertain this application and as per the evidence of eye witnesses and the Doctor, who conducted postmortem, the petitioner had caused fatal injuries on the deceased.

5. In the earlier application, we have considered the contradictions pointed out by the learned counsel for the petitioner and we were not convinced to grant suspension of sentence to the petitioner. Now, we are not inclined to grant suspension of sentence to the petitioner on the additional grounds raised in this petition. In that view, the petition is dismissed.

sd/-
08/06/2021

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

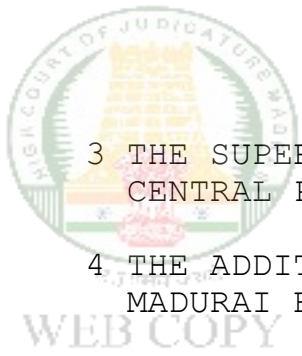
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKOTTAI.

2 THE INSPECTOR OF POLICE,
GANESHNAGAR POLICE STATION,

<https://hcservices.ecourt.gov.in/> POLICE STATION, PUDUKKOTTAI.



3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.2521 of 2021
IN
CRL A (MD).No.115 of 2020
Date :08/06/2021

akv
JM/VR/SAR III/14.06.2021/3P/5C