



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

Tuesday, the Fourteenth day of September Two Thousand and Twenty  
One

PRESENT

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

CRL MP(MD)No.4747 of 2021

IN

CRL A(MD)No.291 of 2021

RAVICHANDRAN

... APPELLANT/SOLE ACCUSED

**Vs**

THE STATE REP.BY  
THE INSPECTOR OF POLICE  
S.P.PATTINAM POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
(IN CRIME NO.18 OF 2015)

... 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 against petitioner and release him on bail pending disposal of the main Criminal Appeal before this Hon'ble Court against the Judgment of the Hon'ble Additional District and Sessions Judge, Ramanathapuram in S.C.No.110 of 2015 dated 22.07.2019.

**PRAYER IN CRL A(MD)No.291 of 2021:**

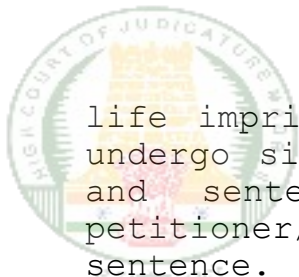
To call for the entire records connected with the judgment rendered by the Hon'ble Additional District and Sessions Judge, Ramanathapuram in S.C.No.110 of 2015 dated 22.07.2019 and set aside the same and consequently acquit the appellant.

**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. Mr.R.PRAKASH, Advocate for the Appellant and of Mr.A.THIRUVADIKUMAR, Standing Counsel for Respondent, the court made the following order:-

**O R D E R**

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

The petitioner is the sole accused in S.C.No.110 of 2015, on the file of the Additional District and Sessions Judge, Ramanathapuram. The trial Court, on appreciation of evidence, held that the petitioner has committed the offence and convicted him for the offence under Section 302 I.P.C., and sentenced him to undergo



life imprisonment and to pay a fine of Rs.2,000/-, in default to undergo six months simple imprisonment. Challenging the conviction and sentence, the present appeal has been filed by the petitioner/appellant. Pending appeal he seeks suspension of sentence.

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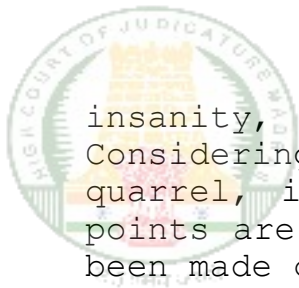
2. The case of the prosecution is that there was a prior motive between the accused and the deceased with regard to a civil dispute. On the date of occurrence, there was a wordy quarrel between the accused and the deceased, in which, the accused said to have attacked the deceased with aruval on the head and caused his death. P.Ws.1 and 2, who are the daughter-in-law and wife of the deceased are the eyewitness to the occurrence. The trial Court after considering the materials available on record, convicted the petitioner and sentenced him as stated in Paragraph No.1 of this order. Challenging the same, the present appeal has been filed.

3. Mr.R.Prakash, learned counsel for the petitioner would submit that the occurrence had taken place in a wordy quarrel and in a sudden provocation, the petitioner lost his mental control and attacked the deceased. He would further submit that the petitioner was suffering from insanity and he has taken treatment and therefore, he is entitled to the benefit of Section 84 I.P.C. In order to prove his mental illness, the petitioner has also produced medical records before the trial Court. However, without considering the said aspect, the trial Court has wrongly convicted the petitioner.

4. Mr.A.Thiruvadikumar, learned Standing counsel appearing for the State opposing the application would submit that there was a civil dispute between the petitioner and the deceased and with that motive, on the date of occurrence, in a quarrel, the accused came with an aruval and attacked the deceased on the head and caused his death. Even though the petitioner has produced some documents to prove his insanity, all the documents produced are related to subsequent to the event and not related to the date of occurrence. Considering the same, the trial Court has rightly convicted the petitioner. He would further submit that considering the gravity of offence, it is not a fit case to grant suspension of sentence.

5. We have considered the rival submissions made and perused the materials available on records.

6. From the perusal of the records, it is seen that there was a civil dispute and with regard to that, there was frequent quarrel between the accused and the deceased. On the date of occurrence also, there was a quarrel between them, in which, the petitioner/accused said to have attacked the deceased with aruval on the head and caused his death. P.Ws.1 and 2, who are all closely related to the deceased are the eyewitness to the occurrence and independent witness available. That apart to prove his



insanity, the petitioner has also produced some documents. Considering the fact that the occurrence had taken place in a wordy quarrel, in sudden provocation attacked the deceased and arguable points are available in this appeal, we find a *prima facie* case has been made out for grant of suspension of sentence.

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7. Considering the above aspects, we are inclined to grant suspension of sentence. 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, Thiruvadanai.

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

iii. 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 Court concerned on any other day, as determined by the Court concerned, in lieu of the day on which he would absent.

sd/-

14/09/2021

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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 SESSIONS JUDGE,  
RAMANTHAPURAM.

2.THE JUDICIAL MAGISTRATE  
THIRUVADANAI, RAMANTHAPURAM DISTRICT.

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.



4.THE SUPERINTENDENT  
CENTRAL PRISON, MADURAI.

5.THE INSPECTOR OF POLICE  
S.P.PATTINAM POLICE STATION,  
RAMANATHAPURAM DISTRICT.

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

**ORDER**

**IN**

CRL MP(MD)No.4747 of 2021 IN  
CRL A(MD)No.291 of 2021  
Date :14/09/2021

PM  
SA/VR/SAR.3/17.09.2021/4P/7C