



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

Monday, the Second day of August Two Thousand and Twenty One

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PRESENT

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

Crl.M.P.(MD).No.3695 of 2021
in
Crl.A.(MD).No.221 of 2021

KALIDHAS

... PETITIONER/APPELLANT/
SINGLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM,
CRIME NO.169/2017.

... 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 of imprisonment imposed on the petitioner in S.C.No.22/2018 on the file of the Learned Principal District and Sessions Court, Ramanathapuram dated 25.02.2021 and release the petitioner on bail, pending disposal of the Crl.A.

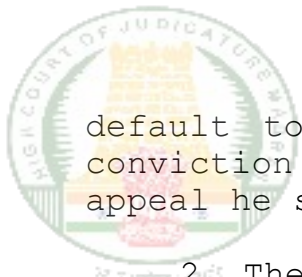
Prayer in CRL A(MD)No. 221 of 2021 :

To call for the records and set aside judgment passed by the learned Principal District and Sessions Court Ramanathapuram dated 25.02.2021 in S.C.No.22 of 2018.

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. JAYARAJ.A.K., Advocate for the petitioner and of MR.S.RAVI, Standing Counsel for Government of State on behalf of the Respondent, the court made the following order:-

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

The petitioner herein is the sole accused in Sessions Case No.22 of 2018, on the file of the Principal District and Sessions Court, 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.10,000/-, in



default to undergo 3 months simple imprisonment. Challenging the conviction and sentence, the present appeal has been filed. Pending appeal he seeks suspension of sentence.

2. The case of the prosecution is that the deceased was working as a Village President and the petitioner / appellant is a former Village President and there was a dispute between them on account of settling the village income. Due to the same, on 18.06.2017, there was a quarrel between the petitioner and one Murugan, who was the Secretary of the Village. At that time, the petitioner/appellant drove the two wheeler in a rash and negligent manner and dashed against the deceased, by which he sustained multiple injuries. Immediately he was taken to Government Hospital, R.S.Mangalam and thereafter, referred to Government Hospital, Ramanathapuram and finally shifted to Velammal Hospital, Madurai where he succumbed injuries on 27.06.2017, after nine days. After completing the trial, the trial Court convicted the petitioner as mentioned above and sentenced him to undergo life imprisonment.

3. The learned counsel appearing for the petitioner would submit that in the evidence of P.Ws.1 and 2, the eyewitnesses to the occurrence, there are lot of contradictions. P.W.1, the father of the deceased says that at the time of quarrel, the deceased was inside the house and P.W.3 says that there was a quarrel between the deceased and Murugan and at that time, the deceased came in a two wheeler and dashed against the deceased. He would further submit that the deceased died only after nine days from the date of occurrence and no offence is made out under Section 302 I.P.C.

4. Mr.S.Ravi, learned Standing counsel appearing for the State would submit that there are 23 witnesses in the case. P.Ws.1 and 2 are parents and 5 and 9 are close friends and eye witnesses to the occurrence and they categorically stated that the petitioner came in a rash and negligent manner and dashed against the deceased with an intention to cause his death and hence, the petitioners are not entitled for bail.

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

6. From the evidence, it is seen that there are lot of contradictions in the evidence of P.Ws.1, 2 and P.Ws.5 and 9, the eye witnesses, and also taken into consideration the fact that after the accident, the deceased alive for nine days and thereafter, he succumbed to injuries. Considering all these circumstances, a *prima facie* case has been made out for grant of suspension of sentence.

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:



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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 concerned 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 they would absent.

Sd/-

02/08/2021

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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 PRINCIPAL DISTRICT AND SESSIONS COURT RAMANATHAPURAM.

2.THE JUDICIAL MAGISTRATE, THIRUVADANAI.

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

4.THE INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM.

5.THE SUPERINTENDENT CENTRAL PRISON,
MADURAI.



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

+1 CC to M/S.A.K.JEYARAJ, Advocate (SR-5005[I] dated 02/08/2021)

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ORDER

IN

CrI.M.P. (MD) .No.3695 of 2021

in

CrI.A. (MD) .No.221 of 2021

Date :02/08/2021

VB/SKN/SAR.III/04.08.2021/4P/8C