



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

Wednesday, the Twentieth day of October Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
and

The Hon`ble Mrs.Justice S.ANANTHI

CRL MP(MD) No.6880 of 2021

in

CRL A(MD)No.28 of 2021

KANNAN

... PETITIONER/ 1st APPELLANT /ACCUSED NO.1

Vs

THE STATE REP.BY,

THE INSPECTOR OF POLICE

RAJADHANI POLICE STATION, THENI DISTRICT.

IN CRIME NO.16/2017.

... RESPONDENT/ RESPONDENT

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 by the Additional District and Sessions Judge(Fast Track Court) Theni District in S.C.No.166/2017 dated 03/03/2020 and enlarge the petitioners / appellant/ accused No.1 on bail Pending disposal of the Criminal Appeal.

Prayer in CRL A(MD)No.28 of 2021:

To call for the record relating to the judgment passed in S.C.No.166 of 2017 on 03.03.2020 the learned Additional District and Sessions Judge(Fast Track Court), Theni in and set aside the same and acquit the appellants/accused 1 and 8 from all the charges leveled against them.

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.A.RAJARAM, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

Totally there are ten accused in this case and the petitioner is the first accused in S.C.No.166 of 2017, on the file of the Additional District and Sessions Judge (FTC), Theni District and he stood charged and tried for the offences under Sections 147, 148 and



2. The trial Court, vide impugned judgment dated 03.03.2020, has convicted the petitioner for the above said offences and imposed the sentences, thus:

Rank of the Accused	Charge	Conviction
First Accused	U/s. 302 of I.P.C.	To undergo life imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of one year.
	U/s. 148 of I.P.C.	To undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one month.

Now, challenging the above said conviction and sentence, the petitioner/A1 has preferred the appeal. Pending appeal, he seeks suspension of sentence.

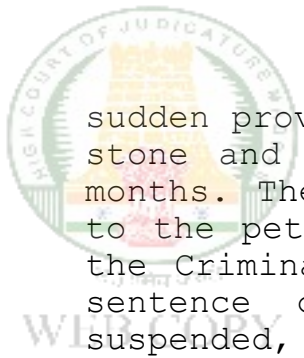
3. The case of the prosecution is that the deceased and the accused belong to same village and there was a quarrel between the parties on the day of Mattupongal, where they were conducting Jallikattu. Thereafter, on the same day at about 8.30 p.m., once again there was a quarrel between the parties and all the accused said to have attacked the deceased and caused his death. The trial Court, considering all these materials, convicted the petitioner as mentioned above. Challenging the same, the present appeal has been filed.

4. Heard Mr.A.Rajaram, learned counsel appearing for the petitioner/A1 and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

5. A perusal of the records, it is seen that the occurrence took place in a wordy quarrel between the parties, in a local festival. So far as the appellant/A1 is concerned, he said to have attacked the deceased with the stone on the chest and caused serious injuries. Even though the overt act has been attributed to the other accused, the trial Court acquitted A3 to A6.

6. Considering the facts and circumstances of the case, the occurrence took place in a wordy quarrel between the parties, out of

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sudden provocation, the petitioner/A1 attacked the deceased with the stone and he has no bad antecedent and he is in jail for twenty months. Therefore, we are inclined to grant suspension of sentence to the petitioner, 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 learned Judicial Magistrate, Andipatty.

ii. The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m., 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 trial Court on any other day, as determined by the trial Court, in lieu of the day on which he would absent.

sd/-
20/10/2021

/ TRUE COPY /

/ /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 (FTC),
THENI DISTRICT.

2 THE JUDICIAL MAGISTRATE,
ANDIPATTY.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



4 THE INSPECTOR OF POLICE
RAJADHANI POLICE STATION, THENI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to MR.S.JEYARAM, Advocate SR.No.7259.

ORDER IN
CRL MP(MD) No.6880 of 2021
in
CRL A(MD)No.28 of 2021
Date :20/10/2021

AKV
MK/SKN/SAR.II/21.10.2021/3P/8C