



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

Tuesday, the Thirtieth day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.9167 of 2021

IN

CRL A(MD) No.458 of 2021

RENGASAMY

... PETITIONER/ APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALANGUDI POLICE STATION, ALANGUDI,
PUDUKKOTTAI DISTRICT.

... 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 awarded against the petitioner by a judgment dated 25.10.2021 in S.C.No. 93/2018 on the file of the Learned Additional District and Sessions Judge, Pudukkottai pending disposal of the Criminal Appeal.

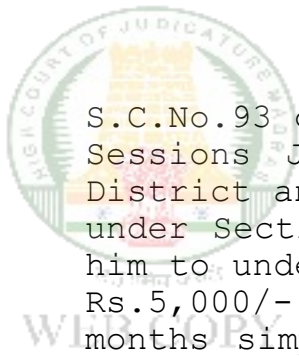
Prayer in CRL A(MD) No.458 of 2021:

To call for the records and to allow the appeal and acquit the appellant by set aside the judgment dated 25.10.2021 in S.C.No.93 of 2018 on the file of the Learned Addl District and Sessions Judge, Pudukkottai.

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.B.SEKAR, Advocate for the petitioner and of MR.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Additional District and Sessions Judge, Pudukkottai in S.C.No.93 of 2018 dated 25.10.2021, till the disposal of the appeal.

2.The case against the petitioner is that he put an electric fence in his farm yard. On 16.12.2017, at about 06.00 p.m., when the deceased went near the agriculture farm, he was electrified. With an intention to conceal the offence, the petitioner placed the body of the deceased in another farm. A case was filed against the petitioner in Crime No.398 of 2017 under Sections 304(2) and 201 of IPC. The government case sheet was filed and the same was taken on file as



S.C.No.93 of 2018 on the file of the learned Additional District and Sessions Judge, Pudukkottai. After trial, the learned Additional District and Sessions Judge, Pudukkottai found the petitioner guilty under Sections 304(2) and 201 of IPC and he convicted and sentenced him to undergo four years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo six months simple imprisonment for the offence under Section 304(2) of IPC and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo three months simple imprisonment for the offence under Section 201 of IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal before this Court in Crl.A.(MD)No.458 of 2021 and along with the appeal, they filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner has not put up any electric trap to catch rats. The body was not found in the place of the petitioner. The owner of the property wherein the body of the deceased was found, by name Maruthu was not examined as a witness. Even the wife of the deceased turned hostile. There are much more points for arguments in the main appeal. The age of the petitioner is 80 years and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the prosecution, it is stated that the petitioner put up an unlawful electric fence to trap rats in his land. Due to the fencing, a valuable life was taken away. There were electric injuries on the right hand of the deceased. To conceal the offence, the petitioner placed the body of the deceased in another man's land. The prosecution has examined 12 witnesses and marked 10 documents and proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.It is seen that the petitioner is aged about 80 years old. There are substantial points in the memorandum of appeal, which require a detailed consideration by this Court and the Criminal Appeal is not likely to be taken up for final hearing in the near future. Considering the age of the petitioner, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on the following conditions:

(i)the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Alangudi ;



(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) the petitioner shall appear before the Trial Court as and when required ;

sd/-
30/11/2021

/ 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,
PUDUKKOTTAI.
- 2 THE JUDICIAL MAGISTRATE,
ALANGUDI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
ALANGUDI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 5 THE OFFICER INCHARGE,
SUB JAIL, THIRUMAYAM.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.9167 of 2021
IN
CRL A(MD) No.458 of 2021
Date : 30/11/2021

Mrn
MK/PN/SAR.II/02.12.2021/3P/7C