



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

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

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.9761 of 2021
in
Crl.A.(MD) No.479 of 2021

NAGARAJ

... APPELLANT/ ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NORTH POLICE STATION,
DINDIGUL CITY, DINDIGUL.
CRIME NO.1025/2008

... 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 the petitioner in S.C.No.125/2018 on the file of the Additional District and Sessions court, Dindigul and enlarge them on bail pending disposal of the above criminal appeal.

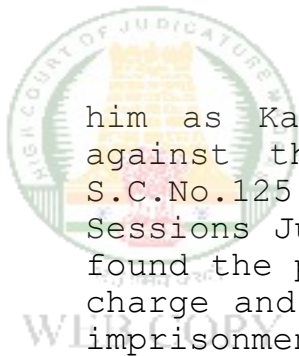
PRAYER IN Crl.A.(MD) No.479 of 2021:

To call for the records relating to the judgment in S.C.No.125/2018 dated 21.10.2021 on the file of the Additional District and Sessions court, Dindigul set aside the same and allow this Appeal.

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.C.SUSI KUMAR, Advocate for the petitioner and of Mr.K.SANJAY GANDHI, Government Advocate on behalf of the Respondents the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Additional District and Sessions Judge, Dindigul, in S.C.No.125 of 2018, dated 21.10.2021.

2. The case against the petitioner is that on 01.12.2008, at about 3.00 a.m., in the early morning hours, with a motive against one Kannan, the petitioner committed the murder of one Karupaiah, who was sleeping in front of the shop of Kannan, falsely identifying



him as Kannan. A case in Crime No.1025 of 2008 was registered against the petitioner. Later, the case was taken on file as S.C.No.125 of 2018 on the file of the Additional District and Sessions Judge, Dindigul. The Additional District and Sessions Judge found the petitioner guilty under Section 304(1) IPC and altered the charge and convicted and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo one month simple imprisonment. Against the conviction and sentence, the petitioner has filed an appeal in Crl.A.(MD)No.479 of 2021. Along with the appeal, the petitioner filed this petition for suspension of sentence.

3. On the side of the petitioner, it is stated that the case was based only on circumstantial evidence. There is no motive against the deceased. Recovery of weapons alone is insufficient to convict the petitioner. The wife of the deceased has not supported the case of the prosecution. There are much more points for consideration in the main appeal and prayed the sentence to be suspended.

4. On the side of the prosecution, it is stated that the prosecution has examined 15 witnesses, marked 22 documents and 9 material objects and the prosecution has proved the case beyond all reasonable doubts. The judgment is a very recent one and the judgment was pronounced only on 21.10.2021 and raised serious objection to suspend the sentence and prayed the petition to be dismissed.

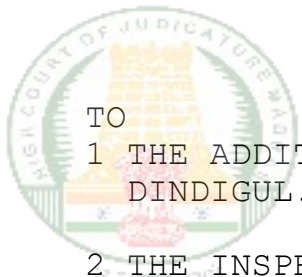
5. Considering the nature of the offence and considering the fact that the judgment is only a recent one, this Court is not inclined to suspend the sentence at the present stage. Hence, this Criminal Miscellaneous Petition is dismissed.

sd/-
23/11/2021

/ 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,
DINDIGUL.

2 THE INSPECTOR OF POLICE
NORTH POLICE STATION,
DINDIGUL CITY, DINDIGUL.

3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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

ORDER

IN

CRL MP(MD) No.9761 of 2021 in

CrI.A.(MD) No.479 of 2021

Date :23/11/2021

CSM/MGA

MS/VR/SAR-2/29.11.2021/3P.5C