



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

Tuesday, the Twenty First day of December Two Thousand and Twenty
One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.11573 of 2021

IN

CRL A(MD) No.529 of 2021

PERUMAL

... APPELLANT/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VALLINOKKAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
(CRIME NO.51 OF 2014)

... 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 petitionenr in S.C.No.105/2018 on the file of the Principal Sessions Court, Ramanathapuram and enlarge them on bail pending disposal of above Criminal Appeal.

PRAYER IN CRL A(MD) No.529 of 2021:

To call for the records relating to the judgement in S.C.No.105/2018 dated 23.11.2021 on the file of the Principal Sessions Court, Ramanathapuram 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 M/S.SUSI KUMAR.C, Advocate for the petitioner and of MR.K.SANJAY GANDHI, GOVERNMENT ADVOCATE on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed against the petitioner, in S.C.No.105 of 2018, dated 23.11.2021, on the file of the Principal Sessions Court, Ramanathapuram, till the disposal of the appeal.

2.The case against the petitioner is that on 16.09.2014, the deceased -Kannan was electrocuted by the E.B wire lying low. A case in Crime No.51 of 2014 was registered against the petitioner and two others and the same was taken on file as S.C.No.105 of 2018 on the file of the Principal Sessions Court, Ramanathapuram. After the trial, the Principal Sessions Court found the petitioner/A2 guilty under Section 304-A of I.P.C. The trial Court convicted the



petitioner / A2 under Section 304-A of I.P.C and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo a further period of one month simple imprisonment. A1 and A3 were acquitted of all the charges. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in Crl.A.(MD)No.529 of 2021 and along with the appeal, he has filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner is only A2 in the case. The ground for acquittal of A1 and A3 is applicable to the petitioner - A2 also. The petitioner - A2 is only a foreman in the E.B Department. He was enjoying the bail through out the trial and the lower Court has suspended the sentence for a period of one month and prayed the sentence to be suspended.

4.On the side of the prosecution, it is stated that there is a specific overt act against the petitioner. The evidence of the Doctor and the Post mortem report -Ex.P4 proved the case of the prosecution. The prosecution has examined 16 witnesses and marked 12 documents. One witness was examined as Court witness and two documents were marked as Court documents and has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.It is seen that the petitioner was enjoying the bail through out the trial and the trial Court has suspended the sentence. In view of the same, this Court is inclined to suspend the sentence with certain conditions.

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) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal Sessions Court, Ramanathapuram;

(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, daily at 10.30 a.m., until the disposal of the appeal.

sd/-

21/12/2021

/ TRUE COPY /

23/12/2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE
VALLINOKKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-9659[I] dated 22/12/2021)

ORDER

IN

CRL MP(MD) No.11573 of 2021

IN CRL A(MD) No.529 of 2021

Date :21/12/2021

MK/VR/SAR-4 (23.12.2021) 3P-5C