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Crl.M.P.No.7415 of 2022  
in Crl.A.No.555 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2022

CORAM

The Honourable Mr. Justice **S.VAIDYANATHAN**  
and  
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

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in Crl.A.No.555 of 2022

1.Shanthi

2.Samidurai

3.Ramalingam

4.Velumani

.. Petitioners/AA 1 to 4

Vs.

State represented by  
The Inspector of Police,  
Sozhatharam Police Station,  
Cuddalore District.  
(Crime No.234 of 2017)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioners by judgment dated 21.04.2022 passed in S.C.No.115 of 2018 on the file of the II Additional District and Sessions Court, Chidambaram and to enlarge the petitioners on bail pending disposal of the above appeal.

For petitioners : Mr.S.T.Raja

For Respondent : Mr.M.Babu Muthumeeran  
Additional Public Prosecutor



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## ORDER

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This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment dated 21.04.2022 passed in S.C.No.115 of 2018 on the file of the II Additional District and Sessions Court, Chidambaram and to enlarge the petitioners on bail pending disposal of the above appeal.

2. The petitioners, who were the accused in S.C.No.115 of 2018 before the II Additional District and Sessions Court, Chidambaram, was convicted and sentenced as follows on 21.04.2022:

| <i>Accused</i>                                                     | <i>Provision under which convicted</i>  | <i>Sentence</i>                                                                                         |
|--------------------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------|
| Shanthi (A1)<br>Samidurai (A2)<br>Ramalingam (A3)<br>Velumani (A4) | Section 120-B r/w 302 IPC, each         | Life imprisonment and fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment, each. |
|                                                                    | Section 294(b) r/w 34 IPC, each         | Three months rigorous imprisonment, each.                                                               |
|                                                                    | Section 324 r/w 34 IPC (2 counts), each | Two years rigorous imprisonment, each.                                                                  |
|                                                                    | Section 302 r/w 34 r/w 120-B IPC, each  | Life imprisonment and fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment, each. |
|                                                                    | Section 506 (II) r/w 34 IPC, each       | Two years rigorous imprisonment, each.                                                                  |
| The aforesaid sentences were ordered to run concurrently.          |                                         |                                                                                                         |

3. Challenging the above conviction and sentences, the petitioners

<https://www.mhc.tn.gov.in/judis>



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have filed Crl.A.No.555 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.S.T.Raja, learned counsel for the petitioners and Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor appearing for the respondent/State.

5. The case of the prosecution is that due to a family dispute in partitioning of properties, first petitioner along with her brothers/second and third petitioners and nephew/fourth petitioner committed the murder of her brother-in-law viz., Balamurugan.

6. After completing the investigation, the respondent/police has filed a final report against the petitioners for the offences under Sections 120-B, 294(b), 323, 324, 506(II) and 302 r/w 34 IPC.

7. The trial Court, after considering the evidence on record and hearing either side, found “guilty” and convicted and sentenced the petitioners as above.



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allegation against the petitioners is that due to a family dispute in partitioning the properties, the first petitioner along with her brothers/second and third petitioners and nephew/fourth petitioner is said to have committed the murder of her brother-in-law Balamurugan. He would further submit that the petitioners were called for a panchayat and when they went there, a quarrel ensued, in which, both parties assaulted each other and therefore, a case and counter case has been registered. It is his further submission that during the assault, the third petitioner also sustained injuries and to prove the same, petitioners have examined D.Ws.1 to 3. He would further submit that though it is a case and counter case, the respondent/police had failed to conduct investigation in accordance with Tamil Nadu Police Standing Orders 566. Further, he would submit that the alleged occurrence is said to have taken place in the night hours on 20.09.2017 and Balamurugan succumbed to the injuries only after four days i.e., on 24.09.2017 due to improper treatment. He would further submit that the petitioners have raised valid grounds in the appeal and thereby, seeks for suspension of sentence and bail to the petitioners.

9. The learned Additional Public Prosecutor would submit that the petitioners have committed the murder of Balamurugan on account of a family dispute in partitioning the property. He would further submit that the



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petitioners have assaulted Balamurugan with wooden logs and torch light resulting in his death. He would further submit that the injuries sustained by the third petitioner is superficial in nature and thereby, the ground of private defence cannot be accepted.

10. The petitioners have raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioners have been in incarceration since 21.04.2022. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

11. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioners on the following conditions:

- (i) The petitioners shall execute a bond for a sum of Rs.25,000/- with two sureties, each for a like sum to the satisfaction of the II Additional District and Sessions Court, Chidambaram;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and



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mobile numbers to ensure their identity;

- (iii) The petitioners shall appear before the trial Court on every Monday at 10.30 a.m. (in case, if Monday is holiday, they shall appear on the next working day) until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court;
- (iv) Independent of Section 317 Cr.P.C., in case of any emergency due to treatment, hospitalization, sudden death of his relatives, etc., the petitioners shall also intimate the jurisdictional police about the details of place of visit, name of the contact person with Aadhar card or any other photo identity of that person along with reasons therefor and the number of days of absence in the locality, before leaving Tamil Nadu;
- (v) The petitioners shall furnish their mobile numbers, which shall not be changed till the issue comes to a logical conclusion and permanent residential address to the police and the trial Court. The petitioners are permitted to change the portability and not the mobile number; and
- (vi) The petitioners shall not enter into the jurisdictional limit of



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the respondent/police station.

**(S.V.N., J.) (A.D.J.C., J.)**  
**28.07.2022**

nsd

To

- 1.The II Additional District and Sessions Judge,  
Chidambaram.
- 2.The Inspector of Police,  
Sozhatharam Police Station,  
Cuddalore District.
- 3.The Superintendent of Prison,  
Central Prison,  
Cuddalore.
- 4.The Superintendent of Prison,  
Special Prison for Women,  
Vellore.
- 5.The Public Prosecutor,  
Madras High Court,  
Chennai – 600 104.



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