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Crl.M.P.No.15403 of 2022 in Crl.A.No.286 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 13..10..2022

Orders Pronounced on : 26..10..2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HONOURABLE MR. JUSTICE **RMT.TEEKAA RAMAN**

Crl.M.P.No.15403 of 2022

in

Crl.A.No.286 of 2021

1.S.Chinnadurai,
Son of Subramani

2.V.Subramani,
Son of Vadivelu

... **Petitioners/ A1 & A2**

-Versus-

The State represented by its
Inspector of Police,
Kandachipuram Police Station,
Arakandanallur Circle,
Arakandanallur,
Old Villupuram District.
[Crime No.151 of 2013]

... **Respondent / Complainant**

Criminal Miscellaneous Petition filed under Sections 389 (1) of The Code of Criminal Procedure, to suspend the sentence imposed on the petitioners, by judgement and order dated 19.11.2020 passed in S.C.No.362 of 2014 learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram, and to enlarge the petitioners on bail pending disposal of the criminal appeal.



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For Petitioners : Mr.M.Ravikumar

*For Respondent : Mr.M.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

P.N.PRAKASH, J.,

This criminal miscellaneous petition has been filed seeking to suspend the substantive sentence of imprisonment imposed on the petitioners, by judgement and order dated 19.11.2020 in S.C.No.362 of 2014 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram, and to enlarge the petitioners on bail pending disposal of the criminal appeal.

2. This is a second bail petition and the earlier bail petition in Crl.M.P.No.5999 of 2021 was dismissed for non prosecution on 19.08.2021.

3. The 1st petitioner S.Chinnadurai (A1) and the 2nd Petitioner V.Subramani (A2) were tried along with Rani (A3) and Malaivasan (A4) in S.C.No.362 of 2014 by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram. During trial, Rani (A3) died and therefore, charges against her stood abated. The learned Sessions Judge, after



full trial, by judgement dated 19.11.2020, acquitted Malaivasan (A4) from all the charges. However, while acquitting Chinnadurai (A1) from the charges under Section 294(b) & 341 IPC and Subramani (A2) from the charge under Section 341 IPC, convicted both Chinnadurai (A1) and Subramani (A2) as under:-

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentenced to</i>
Chinnadurai (A1) and Subramani (A2)	Section 120-B IPC	Imprisonment for Life and to pay a fine of Rs.1,000/- in default of payment of fine to undergo simple imprisonment for a further period of two months
	Section 307 IPC	Simple Imprisonment for five years and to pay a fine of Rs.2,000/- in default of payment of fine to undergo simple imprisonment for a further period of two months
	Section 302 r/w 34 IPC	Imprisonment for Life subject to remission/commutation under Sections 432 and 433 Cr.P.C. and to pay a fine of Rs.3,000/- in default of payment of fine to undergo rigorous imprisonment for a further period of three months
The aforesaid sentences were ordered to run concurrently.		

4. Challenging their convictions and sentences, the petitioners/A1 & A2 have filed Crl.A.No.286 of 2021. Pending the aforesaid criminal appeal, they have filed the instant criminal miscellaneous petition seeking suspension of



sentence and bail, pending disposal of the criminal appeal.

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5. Heard Mr.M.Ravikumar, learned counsel appearing for the petitioners/A1 & A2 and Mr.R.Muniyapparaj, learned Additional Public Prosecutor, appearing for the respondent/State.

6. Chinnadurai (A1) is the second son of Subramani (A2) and Murugan (P.W.1) is the elder son of Subramani (A2). The deceased in this case is one Dhanalakshmi, who is the wife of Murugan (P.W.1) and daughter-in-law of Subramani (A2). It is the case of the prosecution that Murugan (P.W.1) was demanding a share in the family property which was being refused by his father-Subramani (A2), on account of which, there used to be frequent quarrels. On 19.08.2013, when Murugan (P.W.1) and his wife-Dhanalakshmi went to plough the disputed land, they were prevented by Chinndadurai (A1) and Subramani (A2). Chinnadurai (A1) is said to have stabbed Murugan (P.W.1) as well his wife Dhanalakashmi due to which Dhanalakshmi died. We find A1 had principally attacked the deceased Dhanalakshmi. In such view of the matter, we are not inclined to grant suspension of sentence and bail to the 1st petitioner – Chinnadurai (A1).

<https://www.mhc.tn.gov.in/judis> 7. As regards the 2nd petitioner - Subramani (A2), there was no serious



overt act attributed against him. He has been in incarceration from

19.11.2020

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8. Accordingly, this criminal miscellaneous petition stands allowed in part in the following terms:-

(a) The petition for the relief of suspension of sentence and bail qua Chinnadurai (A1), the 1st petitioner herein stands dismissed; and

(b) the relief of suspension of sentence and bail is granted to Subramani (A2), the 2nd petitioner herein on the following conditions:-

- (i)** The 2nd petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram;
- (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 mobile numbers to ensure their identity; and
- (iii)** The 2nd petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall



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appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

[P.N.P., J] [TKR., J]
26..10..2022

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To

- 1.The Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram, Villupuram District.
- 2.The Inspector of Police, Kandachipuram Police Station, Arakandanallur Circle, Arakandanallur, Old Villupuram District.
- 3.The Superintendent, Central Prison, Capper Hills, Cuddalore 607401.
- 4.The Public Prosecutor, High Court, Madras 600104.



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RMT.TEEKAA RAMAN, J.

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