



CrI.M.P.Nos.16757 & 16759 of 2022
in CrI.A.No.132 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.M.P.Nos.16757 & 16759 of 2022
in CrI.A.No.132 of 2021

Jeeva @ Jeevanantham .. Petitioner/Accused No.2
in CrI.M.P.No.16757 of 2022

Jai @ Kathiravan .. Petitioner/Accused No.1
in CrI.M.P.No.16759 of 2022

Vs.

1.State represented by its
Deputy Superintendent of Police
Tiruvannamalai East Police Station
Tiruvannamalai District
(Crime No.247 of 2016)

.. Respondent/Complainant
in both petitions

2.Jayavel

.. Respondent/ de facto
complainant in both petitions

Prayer in CrI.M.P.No.16757 of 2022: Criminal Miscellaneous Petition filed
under Section 482 Cr.P.C. to extend the interim suspension of sentence and
bail granted to the petitioner on 25.08.2022 in CrI.M.P.No.6320 of 2022 in

CrI.A.No.132 of 2021.

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



Crl.M.P.Nos.16757 & 16759 of 2022
in Crl.A.No.132 of 2021

Prayer in Crl.M.P.No.16759 of 2022: Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 19.01.2021 passed in Spl.S.C.No.89 of 2019 on the file of the Sessions Court, (Special Court for Trial of Cases Under Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989), Tiruvannamalai and to enlarge him on bail pending disposal of the above appeal.

For Petitioners
in both petitions : Mr.V.R.Thangavel
For R1
in both petitions : Mr.R.Muniyapparaj
Additional Public Prosecutor
For R2
in both petitions : Mr.G.Mohan

ORDER

(Made by *P.N.PRAKASH, J.*)

While the petition in Crl.M.P.No.16757 of 2022 has been filed to extend the interim suspension of sentence and bail granted to Jeeva @ Jeevanantham (A2) on 25.08.2022 in Crl.M.P.No.6320 of 2022 in Crl.A.No.132 of 2021, the petition in Crl.M.P.No.16759 of 2022 has been filed to suspend the sentence imposed on Jai @ Kathiravan (A1) by judgment and order dated 19.01.2021 passed in Spl.S.C.No.89 of 2019 on the file of the Sessions Court, (Special Court for Trial of Cases Under Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 [for brevity “the SC/ST Act”]), Tiruvannamalai and to enlarge him on bail pending disposal of the above appeal.



2. The petitioners, who faced a prosecution in Spl.S.C.No.89 of 2019, along with the juveniles viz. Panchatcharam (A3) and Jeeanprabakaran (A4), before the Sessions Court, (Special Court for Trial of Cases Under the SC/ST Act), Tiruvannamalai, were convicted and sentenced as follows on 19.01.2021:

S.No.	Provisions under which convicted	Sentence
1	Section 120-B IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.
2	Section 3(2) (v-a) of the SC/ST Act	Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.
3	Section 449 IPC	Five years imprisonment and fine of Rs.3,000/-, in default to undergo one year rigorous imprisonment.
4	Section 392 IPC	Five years imprisonment and fine of Rs.3,000/-, in default to undergo one year rigorous imprisonment.
5	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.
6	Section 201 IPC	Three years imprisonment and fine of Rs.2,000/-, in default to undergo one year simple imprisonment.
The aforesaid sentences were ordered to run concurrently.		

3. Challenging the above conviction and sentences, the accused have filed Crl.A.No.132 of 2021.



4. Heard Mr.V.R.Thangavel, learned counsel for the petitioners/accused, Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the first respondent/State and Mr.G.Mohan, learned counsel for the second respondent/de facto complainant.

5. It is the case of the prosecution that Jeeva (A2) is a transgender and he is the brother of Jai (A1). Panchatcharam (A3) and Jeeanprabakaran (A4), who were juveniles, are the nephews of Jeeva (A2). The accused were neighbours of the deceased Krishnaveni. It is alleged that Krishnaveni was found dead in her house on 26.04.2016 with injuries and the ornaments worn by her were found missing. Therefore, the police registered a case against unknown accused. However, the petitioners, who were neighbours of Krishnaveni, were arrested based on an extrajudicial confession that is said to have been given by Jai (A1) to Rajadurai (PW7), Village Administrative Officer.

6. Strangely, none of the ornaments that is said to have been found missing were recovered. M.Jayavel (PW1), who is an Advocate and brother of Krishanveni, has stated that there was a pathway dispute between Krishnaveni and the accused.



7. The petitioners have raised substantial grounds in the appeal, which require detailed appraisal. It is seen that Jai (A1) has been in incarceration since 19.01.2021. That apart, it is also seen that Jeeva (A2) was granted interim suspension of sentence and bail by this Court on 25.08.2022 in Crl.M.P.No.6320 of 2022 on medical grounds and he continuous to be on bail, as his bail was being extended from time to time. Taking into consideration the facts and circumstances of the case, the order of interim suspension of sentence and bail dated 25.08.2022 passed in Crl.M.P.No.6320 of 2022 *qua* Jeeva (A2) is made absolute. The petitioners are entitled to the relief of suspension of sentence and bail.

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

- (i) Since the petitioner in Crl.M.P.No.16757 of 2022 is in hospital and he is already on bail, he need not furnish fresh sureties and the surety bonds executed by him shall stand maintained;
- (ii) The petitioner in Crl.M.P.No.16759 of 2022 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 Sessions Court, (Special Court for Trial of Cases Under the SC/ST Act), Tiruvannamalai;

- (iii) 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 number to ensure their identity;
- (iv) The petitioners 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 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; and
- (v) The petitioners shall not in any manner interfere with the proceedings against the two juvenile accused (AA3 and 4) before the Juvenile Justice Board.

(P.N.P.,J.) (G.C.S., J.)
25.11.2022

nsd



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in Crl.A.No.132 of 2021

To

- 1.The Sessions Judge
(Special Court for Trial of Cases
Under Scheduled Castes and Schedules
Tribes (Prevention of Atrocities) Act, 1989)
Tiruvannamalai
- 2.The Deputy Superintendent of Police
Tiruvannamalai East Police Station
Tiruvannamalai District
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor
Madras High Court
Chennai – 600 104



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P.N.PRAKASH, J.
and
G.CHANDRASEKHARAN, J.
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