



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

Thursday, the Twenty Eighth day of April Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

Crl.M.P(MD)No.3372 of 2022
in
Crl.A(MD)No.123 of 2022

JOHN JOSEPH

... PETITIONER / APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
V.K.PURAM POLICE STATION,
V.K.PURAM, TIRUNELVELI DISTRICT,
CRIME NO.56 OF 2015

... RESPONDENT / RESPONDENT

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 on the petitioner by the judgment dated 04.02.2022 passed in S.C.No. 639 of 2015 on the file of III Additional Sessions Judge, Tirunelveli District and enlarge the petitioner on bail pending disposal of the above Crl.A.

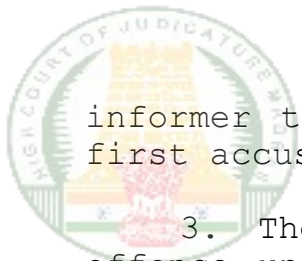
Prayer in Crl.A(MD)No.123 of 2022:

To call for the records and allow the above appeal by setting aside the Judgment dated 04.02.2022 passed in S.C.No.639 of 2015, on the file of III Additional Sessions Judge, Tirunelveli.

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.V.KATHIRVELU, Senior Counsel for Mr.K.RAJESHWARAN, Advocate for the petitioner and of MR.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner seeks suspension of life sentence imposed on him for the offence under Sections 324 and 302 of IPC.

2. According to the prosecution, the accused 2,3 & 4 at the guidance of the first accused/petitioner herein went to the house of the deceased at 10.00 p.m., on 30.03.2015 and attacked the victim. The victim suffered injuries in the leg and died in the hospital, after 33 days, of septicaemia. The charge against A1 was that because of the prior enmity between two families, the petitioner (A1) conspired with the accused 2,3 & 4 to kill that daughter of the deceased, one Jothi-P.W.2 was an



informer to the police regarding sand smuggling activities of the first accused/petitioner herein.

3. The trial Court convicted the petitioner alone for the offence under Sections 324 and 302 IPC while acquitting the other accused. To a specific question put by the Court, the Investigating Officer had stated that A1 was not present at the scene of occurrence. The oral evidence of the other witnesses is contrary to the evidence of Investigating Officer, where, they deposed that A1 was also present in the scene of occurrence. The trial Court, however, convicted A1 alone because of the previous enmity.

4. A perusal of the evidence on record shows that there is arguable case for the accused in the appeal and he has made out a *prima facie* case for grant of bail, pending appeal.

5. Accordingly, the Criminal Miscellaneous Petition is allowed and the bail is granted, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned III Additional Sessions Judge, Tirunelveli.

ii. The petitioner shall appear before the III Additional Sessions Judge, Tirunelveli once in 15 days ie., first and third Monday of every month at 10.30 a.m., till the disposal of the Criminal Appeal.

sd/-

28/04/2022

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

TO

1 THE III ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.

2 THE INSPECTOR OF POLICE

V.K.PURAM POLICE STATION, V.K.PURAM,
TIRUNELVELI DISTRICT,

3 THE SUPERINTENDENT,

CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.K.RAJESHWARAN, Advocate (SR-3988[I] dated 28/04/2022)

ORDER IN

Crl.M.P(MD)No.3372 of 2022
in

Crl.A(MD)No.123 of 2022

Date :28/04/2022