



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

Wednesday, the Thirtieth day of March Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

Cr.l.MP(MD)No.4115 of 2022
in
Crl.A(MD)No.453 of 2021

P.SUDHAGAR @ SELVARASU

... PETITIONER/ APPELLANT /
ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KEERANOOR POLICE STATION,
PUDUKOTTAI DISTRICT.
(CRIME NO.175/2019).

... RESPONDENT / RESPONDENT /
COMPLAINANT

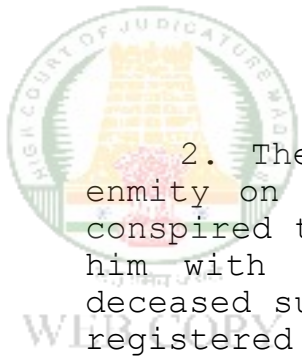
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner by the Learned Additional District and Sessions Judge, Pudukottai(Presiding Officer, Spl.Court for EC Act) Passed in SC No.1/2020 dated 27/9/2021 and release the petitioner on bail pending disposal of the above criminal revision petition.

Prayer in Crl.A(MD)No.453 of 2021:

To call for the records and set aside the judgment passed by the Additional District and Sessions Judge, (Presiding Officer, Spl.Court for E.C Act) Pudukkottai in S.C.No.1 of 2020 dated 27.09.2021 and acquit the appellants herein.

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.B.PRASANNA VINOTH, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the Crl.A., the court made the following order:-

This petition has been filed praying to suspend the sentence imposed against the petitioner in S.C.No.01 of 2020 dated 27.09.2021 by the learned Additional District and Sessions Judge, Pudukottai (Presiding Officer, Special Court for EC Act).



2. The case of the prosecution is that due to some previous enmity on 11.07.2019, the petitioner along with the other accused conspired together, abused the deceased in filthy language, attacked him with deadly weapons and caused injuries, due to which the deceased sustained injuries and later died. Hence, the case came to registered in Crime No.175 of 2019 for the offences under Sections 148, 294(b) and 302 of IPC and after completing enquiry the respondent police filed charge sheet and the same has been taken on file in S.C. No. 1 of 2020 on the file of the learned Additional District and Sessions Judge, Pudukottai (Presiding Officer, Special Court for EC Act). After trial, the petitioner alone was found guilty under Section 304 Part II IPC and sentenced him to undergo Rigorous Imprisonment for a period of four years and to pay a fine of Rs.10,000/- in default to undergo Simple Imprisonment for a period of three months. Against which, the petitioner has preferred the present Criminal appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. It is submitted on the side of the appellant that the appellant is in jail.

4. Considering the nature of the offence alleged to have been committed by the petitioner/appellant and also quantum of punishment imposed against him, this Court is of the view to suspend the sentence imposed in S.C. No. 1 of 2020 till the disposal of Criminal Appeal No.453 of 2021 and also decided to grant bail subject to the following conditions.

5. In fine, this petition is allowed and the sentence imposed in S.C.No. 1 of 2020 is alone suspended till the disposal of Criminal Appeal No.453 of 2021 and the appellant shall be released on bail on executing a bond to the tune of Rs.10,000/- with two blood sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Keeranur. The appellant is also directed to report before the learned Judicial Magistrate, Keeranur, daily at 10.30 a.m., until further orders.

sd/-
30/03/2022

/ TRUE COPY /

31/03/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(PRESIDING OFFICER, SPECIAL COURT FOR EC ACT)
PUDUKKOTTAI

2 THE JUDICIAL MAGISTRATE,
KEERANOOR.

3 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE
KEERANOOR POLICE STATION, PUDUKOTTAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to MR.B.PRASANNA VINOTH, Advocate (SR-2684[I]dated 30/03/2022)

ORDER

IN

Cr.l.MP(MD)No.4115 of 2022
in

Cr1.A(MD)No.453 of 2021

Date :30/03/2022

aav

MK/VR/SAR.II/31.03.2022/3P/8C