



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

Tuesday, the Twenty Eighth day of June Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CRL MP(MD) No.6047 of 2022

IN

CRL A(MD)No.28 of 2022

DURAIRAJ

... APPELLANT/ACCUSED No.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO. 255 OF 2015)

... 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 and conviction imposed by the learned III Additional District and Sessions Court, Tirunelveli in S.C.No. 655 of 2016 Dated. 23.12.2021 and enlarge the petitioner/accused no. 3 on bail pending disposal of above Criminal Appeal.

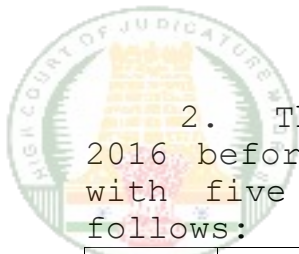
Prayer in Crl.A(MD)No.28 of 2022:

To call for the records and set aside the sentence and conviction imposed by the Learned III Additional Sessions Court, Tirunelveli in S.C.No.655 of 2016 dated 23.12.2021.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.G.KARUPPASAMY PANDIAN, Advocate for the petitioner and of Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by P.N.PRAKASH, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 23.12.2021 passed in S.C.No.655 of 2016 on the file of the III Additional Sessions Court, Tirunelveli, and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner, who was the 3rd accused in S.C.No.655 of 2016 before the III Additional Sessions Court, Tirunelveli, along with five others, was convicted and sentenced on 23.12.2021 as follows:

S.No.	Provision under which convicted	Sentence
1	Section 302 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment.

The aforesaid sentences were ordered to run concurrently. A-1 died during trial. A-2 was convicted under section 324 IPC (2 counts). A-4 to A-6 have been acquitted.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.28 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.G.Karuppasamyandian, learned counsel for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the accused party and the deceased party are relatives and on account of a land dispute, it is alleged that on 11.10.2015, a panchayat was held in the village, in which, tempers frayed. Subsequently, it is alleged that the accused party attacked the deceased party, in which, the son of P.W.-1 sustained injuries and died.

6. The learned counsel for the petitioner submitted that in the fight, A-1 had also suffered injuries, which has been completely suppressed by the prosecution. This plea is refuted by the learned Additional Public Prosecutor, who contended that the State is intending to file appeal against the acquittal of other accused in this case. Be that as it may, the petitioner does not have any bad antecedents and the dispute was essentially between relatives with regard to four cents of land.

7. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration from 23.12.2021. 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 petitioner is entitled to the relief of suspension of sentence and bail.

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



(i) The 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 III Additional Sessions Court, Tirunelveli;

(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 to ensure their identity; and

(iii) The petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the 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 appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

28/06/2022

/ TRUE COPY /

29/06/2022

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, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. C.C. to M/S.KARUNANIDHI.R Advocate SR.No.6262

ORDER IN

CRL MP(MD) No.6047 of 2022
Date :28/06/2022

SA/VR/SAR.3/29.06.2022/3P/6C