



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

Wednesday, the Thirteenth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL MP(MD) No.7078 of 2022

IN

CRL A(MD)No.381 of 2021

CHANDRAN

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.
CR.NO.55/2014

... 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 grant bail to the Appellant sole accused against the judgement dated 12.08.2021 in S.C.No.11/2017 on the file of Additional Sessions cum District Court in Cr.No.55/2014 on the file of the Respondent police pending disposal of the instant Criminal Appeal.

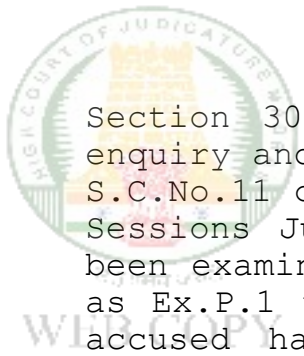
PRAYER IN CRL A(MD)No.381 of 2021:

To call for the records of the Judgment dated 12.08.2021 in S.C.No.11 of 2017 on the file of the Learned Sessions and District Court in Crime No.55 of 2014 on the file the Respondent Police and set aside the same.

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.M.JEGATHEESH PANDIAN, Advocate for M/S.R.ARAVIND RAJ, Advocate for the Appellant and of Mr.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Additional District and Sessions Judge, Dindigul District, in S.C.No.11 of 2017, dated 12.08.2021, till the disposal of the appeal.

2.The case against the petitioner is that on 27.11.2014, at about 10.30 pm., the petitioner jumped the queue that was standing before the Ration shop, that when the same was questioned by the deceased, the petitioner had a wordy quarrel and he took a knife from his house, which is nearby and stabbed the deceased, who died on the way to the Hospital. A case in Crime No.55 of 2014, under



Section 302 IPC, was registered against the petitioner and an enquiry and charge sheet was filed and the same was taken on file in S.C.No.11 of 2017 on the file of the learned Additional District and Sessions Judge, Dindigul District. During trial, 20 witnesses have been examined as P.W.1 to P.W.20 and 18 documents were exhibited as Ex.P.1 to Ex.P.18 and 5 material objects as M.O.1 to M.O.5. The accused has adduced neither oral nor documentary evidence. The learned Sessions Judge, upon considering the evidence adduced and on hearing the arguments of both the sides, has passed the impugned order, dated 12.08.2021, convicting the petitioner under Section 304-I IPC and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3.The learned counsel appearing for the defacto complainant would submit that during the pendency of the trial, the petitioner and his family members threatened the defacto complainant and on that basis, FIR was came to be registered and subsequently charge sheet was filed and the case is pending in C.C.No.121 of 2015 and is pending for trial.

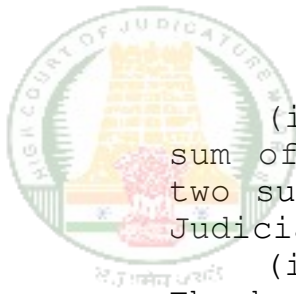
4.The learned Additional Public Prosecutor appearing for the State submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

5.The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

6.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record. Admittedly, the present case came to be registered in the year 2014 and the petitioner was convicted vide judgment dated 12.08.2021 and he is in incarceration from the date of judgment.

7.The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and also considering the fact that and that the petitioner is not having any previous case, this Court is of the considered view that the petitioner herein is entitled to the relief of suspension of sentence.

8.Accordingly, the relief of suspension of sentence and bail is granted in favour of the petitioner on the following conditions:-



(i) the petitioner is directed to execute a bond sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Nilakottai, Dindigul District ;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial Court on all working days at 10.30 am, until further orders 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 of 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/-

13/07/2022

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15/07/2022

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

TO

1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE, DINDIGUL DISTRICT.

2 THE JUDICIAL MAGISTRATE
NILAKOTTAI, DINDIGUL DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION, DINDIGUL DISTRICT.

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

+2. C.C. to M/S.ARAVIND RAJ.R Advocate SR.No.7045, 7049

ORDER IN

CRL MP(MD) No.7078 of 2022
IN

CRL A(MD)No.381 of 2021

Date :13/07/2022

SA/VR/SAR.1/15.07.2022/3P/9C