



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

Monday, the Twenty Sixth day of September Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10033 of 2022
in
CRL.A.(MD)No.523 of 2022

SELVAM

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO. 57/2019.

... 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 passed in Sessions Case No.99 of 2019 dated 10.06.2022 on the file of the Learned Sessions Judge, Mahila Court, Pudukkottai pending disposal of the above said Criminal Appeal.

Prayer in CRL.A.(MD)No.523 of 2022 :

Pleased to call for the records pertaining to the Judgment made in S.C.No.99 of 2019 dated 10.06.2022 on the file of the Learned Sessions Judge, Mahila Court, Pudukkottai and set aside the same by allowing above appeal.

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.POORNACHANDRAN.S, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Pudukkottai, in S.C.No.99 of 2019, dated 10.06.2022 and enlarge the petitioner on bail, pending disposal of the main appeal.

2. The case of the prosecution in brief:-

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



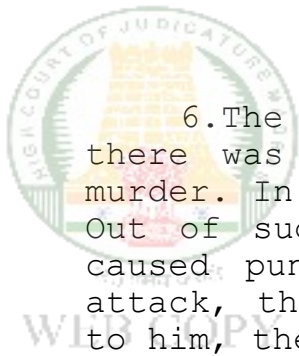
On 30.01.2019, the sister of the defacto complainant namely, Saranya @ Ranjitha was walking along Nariyan residence at about 09.15 a.m. At that time, the accused namely, Selvam restrained the above said Saranya @ Ranjitha and dragged her to R.S.Pathy field. On seeing this incident, complainant raised alarm and at that time, the accused told her that he is in love with the above said Saranya @ Ranjitha for 3 years. She was criminally intimidated. So, she contacted her father Mahalingam around 09.30 a.m. He came there and warned the accused. At that time, the accused abused him and caused punching wound with his hand in chest portion. Because of the above said attack, the said Mahalingam suffered injury, fell down and died. On the basis of the above said occurrence, case was registered and tried before the Mahila Court, Pudukottai.

3. On the side of the prosecution, 7 witnesses were examined and 9 documents marked. On the side of the defence, no witness was examined and no document marked.

4. At the conclusion of the trial, the Trial Court found the petitioner guilty, convicted and sentenced him as detailed below:-

U/s	Proved	Sentenced	Fine amount
294 (b) IPC	proved	To undergo simple imprisonment for 3 months.	..
341 IPC	Proved	To undergo simple imprisonment for 1 month.	..
506 (i) IPC	Proved	To undergo rigorous imprisonment for 2 years.	..
304 Part II IPC	Proved	To undergo rigorous imprisonment for 10 years.	And to pay a fine of Rs.30,000/- in default to undergo R.I for 1 year.
4 of TNPWH Act	Proved	To undergo rigorous imprisonment for 3 years.	And to pay a fine of Rs.10,000/- in default to undergo S.I for 6 months.

5. Aggrieved by the said judgment of conviction and sentence, appeal has been preferred. Pending the appeal, this petition has been filed seeking suspension of sentence.



6.The learned counsel for the petitioner would submit that there was no intention on the part of the petitioner to commit murder. In that place, there was sudden quarrel between the parties. Out of sudden provocation only, he pushed the deceased down and caused punch attack. Unfortunately, because of the above said attack, the deceased suffered heart attack and died. So, according to him, there was no motive for assault.

7.Heard both sides.

8.As stated above, the only contention on the part of the petitioner is that absolutely there was no motive or intention to cause murder. Out of sudden provocation only, he caused punch without any intention of causing serious injury.

9.Per contra, the learned Additional Public Prosecutor would submit that the above said circumstance clearly shows that intention on the part of the petitioner to commit murder.

10.Records perused and from the postmortem report, it is seen that the deceased suffered heart attack. No doubt, this heart attack was caused by sudden punch attack that was made by the petitioner. Whether it was made with an intention to murder the deceased is the only point to be decided in the appeal.

11.Considering the fact that there was no motive between the parties and no bad antecedent is reported against the petitioner, the trouble arises between the parties when the accused person dragged the daughter of the deceased. Considering the above said factual aspects, this Court is inclined to suspend the sentence pending disposal of the appeal.

12.Accordingly, the suspension of sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukkottai, and on further condition that the petitioners shall appear before the said Court **once in a week** at **10.30 a.m.** pending appeal.

sd/-
26/09/2022

/ TRUE COPY /

28/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-10527[I] dated
26/09/2022)

ORDER
IN
CRL MP(MD) No.10033 of 2022
in
CRL.A.(MD)No.523 of 2022
Date :26/09/2022

dss
USK/VR/SAR-III/28.09.2022/4P/6C