



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

Tuesday, the Twenty Ninth day of November Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL MP(MD) No.11246 of 2022
in
Crl.A.(MD)No.476 of 2022

1 MUNEESWARAN
2 SARAVANAKUMAR @ VIJAY
3 NIRMAL KUMAR @ KUTTY
4 MUNEESWARAN

... PETITIONERS/APPELLANTS

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
BAMBAN POLICE STATION,
RAMNATHAPURAM DISTRICT.

... 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 against myself and other appellants in SC.No.138 of 2021 dated.07.06.2022 passed by the Learned Additional District and Sessions Judge, Ramanathapuram and enlarge the Petitioner on bail pending disposal of the above Appeal.

Prayer in Crl.A.(MD) No.476 of 2022 :

Pleased to call for the records in S.C.No.138/2021 dated 07.06.2022 passed by the Learned Additional District and Sessions Judge, Ramanathapuram and to set aside the judgment of conviction and sentence.

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.KARUPPASAMY PANDIYAN G, 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 N.ANAND VENKATESH, J.]

The petitioners, who were convicted under Section 304 IPC and
<https://www.mhc.tn.gov.in/judis>



were sentenced to undergo Life Imprisonment and to pay a fine of Rs.5,000/- each, in default, to undergo six months simple imprisonment, have filed the criminal appeal and have sought for suspension of sentence pending appeal.

2.The case of the prosecution is that the deceased, who is aged about 80 years, had developed a relationship with one Valli and both of them were said to have lived together at Mandapam for nearly 20 years. There was some misunderstanding and the deceased is said to have left the said Valli. The petitioners are the relatives of the said Valli and it is stated that they developed a motive against the deceased since the deceased abandoned the said Valli. On 03.01.2021 at about 2.30 p.m., when the deceased was returning to his house from tea shop, the petitioners are said to have picked up a wordy quarrel with the deceased and the deceased was pushed down and the accused persons kicked him all over his body and also dragged him in the floor. As a result, the deceased died on the spot.

3.Heard Mr.G.Karuppasamy Pandiyan, learned counsel for the petitioners and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor for the State.

4.The eyewitness account in this case is to the effect that the accused persons pushed down the deceased and kicked him and he sustained simple injuries in his right eye and both the knees. Whereas the evidence of P.W-10 who was the postmortem doctor shows that the deceased had sustained head injuries and the injury to the brain was shown to be the cause of death. Hence, it was submitted that the ocular evidence runs contrary to the medical evidence.

5.The evidence of P.W-10 was further relied upon to establish the fact that the deceased was under the influence of alcohol and hence there is a possibility that he would have fallen due to inebriation and would have sustained head injuries.

6.Taking into consideration the facts and circumstances of the case and also the fact that a prima facie case has been made out and there are no previous cases against the petitioners and the petitioners have already paid the fine amount and it will take some more time for this Court to take up the criminal appeal for hearing.

7.In view of the above, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.138 of 2021 dated 07.06.2022 subject to the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Rameswaram;



(ii) The sureties shall affix their photographs and Left Impression in the surety bond and the trial Court may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity; and

(iii) The petitioners shall appear before the respondent police every Monday at 10.30 a.m., for a period of eight(8) weeks. After completion of the said period, the petitioners shall report before the learned District Munsif cum Judicial Magistrate, Rameswaram on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

sd/-
29/11/2022

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02/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESWARAM.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
4. THE INSPECTOR OF POLICE,
BAMBAN POLICE STATION,
RAMNATHAPURAM DISTRICT.
5. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.KARUPPASAMY PANDIYAN G Advocate SR.No.13931.

ORDER IN
CRL MP(MD) No.11246 of 2022
in
Crl.A.(MD)No.476 of 2022
Date :29/11/2022

PJL
USK/SSS/SAR-I/02.12.2022/3P/8C