



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

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

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PRESENT

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

CRL MP(MD) No.11237 of 2022
in
Crl.A.(MD)No.44 of 2022

DURAI

... PETITIONER/APPELLANT/
ACCUSED NO.1

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO. 170 OF 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 in Judgment dated 30.07.2021 made in S.C No. 100 of 2019 on the file of the Principal District and Sessions Court, Pudukkottai and enlarge the petitioner on bail.

PRAYER IN Crl.A.(MD)No.44 of 2022 :

Pleased to call for the records and set aside the Judgment dated 30.07.2021 made in S.C.No.100 of 2019 on the file of the Principal District and Sessions Court, Pudukkottai.

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.MAYILVAHANA RAJENDRAN.C, 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 petitioner who is A1 in this case has filed this application seeking for suspension of sentence. The petitioner was convicted for offence under Section 302 IPC and was sentenced to undergo Life Imprisonment and to pay a fine of Rs.400/-, in default, to undergo further period of one year Rigorous Imprisonment.



2.The case of the prosecution is that A1 is a mason by profession and A2 is his wife and they were engaged in construction work. The defacto complainant, who is the father of the deceased had engaged A1 and A2 and there was some dispute regarding the non payment of Rs.400/- that was claimed by A1. On 10.04.2019, A2 is said to have demanded for a sum of Rs.400/- and there was some wordy quarrel and ultimately the deceased attempted to pacify between the parties and he was caught hold by A2 and was stabbed by A1 with knife on his left chest. As a result, the deceased died.

3.Heard Mr.C.Mayilvahana Rajendran, learned counsel for the petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor for the State.

4.The case of the prosecution hinges upon the eyewitness account of P.W-1 to P.W-3. The learned counsel for the petitioner submitted that even if the entire case is taken as it is, at the best, it will only fall within the first exception to Section 300 IPC.

5.The learned Additional Public Prosecutor brought to the notice of this Court that there are no previous cases against the petitioner and that the earlier application filed by A2 seeking for suspension of sentence was allowed by this Court in Crl.M.P.(MD) No.4016 of 2022 by an order dated 12.04.2022.

6.Taking into consideration the facts and circumstance and also the fact that there are grounds to bring this case within the first exception to Section 300 IPC and there are no previous cases against the petitioner. Hence, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.100 of 2019 dated 30.07.2021 subject to 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 learned Judicial Magistrate, Aranthangi;

(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 cards or Bank pass Books to ensure their identity; and

(iii) The petitioner 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 petitioner shall report before the Judicial Magistrate, Aranthangi, on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he fails to appear before the trial Court on any day, he shall



make arrangements to file an application under Section 31 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/-
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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.
2. THE JUDICIAL MAGISTRATE,
ARANTHANGI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
4. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
5. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-13941[I] dated 29/11/2022)

ORDER
IN
CRL MP(MD) No.11237 of 2022
in
Crl.A.(MD)No.44 of 2022
Date :29/11/2022

pjl
USK/VR/SAR-I/02.12.2022/3P/8C