



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

Friday, the Fourth day of November Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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CRL MP(MD) No.11962 of 2022

IN

CRL A(MD) No.484 of 2022

RAMAR

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TENKASI DISTRICT.
CRIME NO.210 OF 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 imposed against petitioner in S.C.No. 660 of 2015 Dated. 07.07.2022 on the file of the Assistant Sessions Court, Sankarankovil and enlarge them on bail pending disposal of the above Criminal Appeal.

PRAYER IN Cr1.A.(MD)No.484 of 2022 :

Pleased to call for the records relating to the judgment in S.C.No.660/2015 dated 07.07.2022 on the file of the Assistant Sessions Court, Sankarankovil and set aside the same and allow this Criminal Appeal.

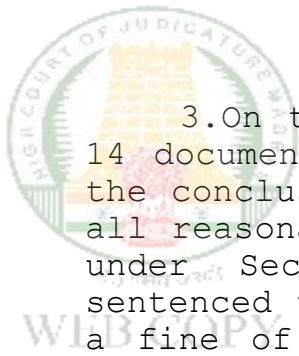
Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SUSI KUMAR.C, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following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

This petition is filed to suspend the sentence imposed against the petitioner, by Judgment, dated 07.07.2022, by the Assistant Sessions Judge, Sankarankovil in S.C.No.660 of 2015.

2.The case of prosecution in brief is as follows:

There was a previous enmity between the accused persons and PW1, who was the injured, over which, on 17.09.2014 at about 08.30AM, when the defacto complainant was going to his work place, he was waylaid and assaulted with aruval, by the accused persons. There was injury on his left shoulder. He was taken to the hospital. On the basis of above said occurrence, a case was registered.

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3. On the side of prosecution, 11 witnesses have been examined, 14 documents have been marked, apart from 4 material objects. At the conclusion of trial, the prosecution has proved the case beyond all reasonable doubts and accordingly, the accused was found guilty under Sections 294(b) and 307 IPC. The accused was convicted and sentenced to undergo 10 years rigorous imprisonment and also to pay a fine of Rs.1,000/-, for the offence under Section 307 IPC and sentenced to undergo SI for 15 days, for the offence under Section 294(b) IPC. Challenging the above said conviction and sentence, this appeal has been preferred. During the pendency of appeal, this petition has been filed by the petitioner, for suspension of sentence.

4. The learned counsel for the petitioner would submit that during the course of evidence, PW1 has stated that in the place of occurrence, police were present and they took him to the police station. Whereas, the prosecution evidence is entirely different, to the effect that, only PW2 and PW3 were present in the place of occurrence and after the occurrence, they only took PW1 to the hospital. Further stated that even though the alleged weapon, which has been used by the petitioner was recovered, no blood stain mark was found in the seized weapon.

5. Per contra, the learned Government Advocate (Crl.Side) would submit that the evidence of PW1 is sufficient to hold the prosecution case. There was a grievous injury, on the left shoulder of the injured and no interference is required to suspend the sentence of the petitioner.

6. Perusal of the Judgment shows that there was a previous enmity between the petitioner and PW1. But the learned counsel for the petitioner would submit that he was an employee under the defacto complainant and there was a dispute, with regard to payment of salary, over which, above said complaint has been given. PW1 has stated that there was previous enmity between them, in respect of their business. There was severe injury on the left shoulder, which was found bone deep. It was found to be grievous in nature. So it is evident that grievous injury was caused to PW1. Even though it is contended on the part of petitioner that the injury was not caused by him, there was no corroborative circumstances. However, whether there was any intention, on the part of petitioner to murder PW1, is a matter for consideration in the appeal. The trial Court, on the basis of alleged words used by petitioner, during the course of above said evidence, recorded the finding of guilty that he was attempted to murder PW1.

7. Considering the facts that the petitioner is in custody, ever since from the date of arrest; no other bad antecedents against the petitioner; only a limited point is available for argument in appeal; it may take some time for disposing the main appeal, the relief of suspension of sentence and bail is granted to the

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(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Sivagiri.

(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 daily at 10.30 a.m, until further orders.

sd/-

04/11/2022

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07/11/2022

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

TO

- 1 THE ASSISTANT SESSIONS JUDGE, SANKARANKOVIL.
- 2 THE JUDICIAL MAGISTRATE, SIVAGIRI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION, TENKASI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.11962 of 2022
IN

CRL A(MD) No.484 of 2022

Date :04/11/2022

PNM

SA/SBN/SAR. /07.11.2022/3P/7C

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