



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

Monday, the Thirty First day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11921 of 2022

IN

CRL A(MD) No.393 of 2022

SANGILIMUTHU

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
UDAYALIPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.7/2018).

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon him in SC No.71/2019 on the file of the Learned Sessions Judge, Mahila Court, Pudukkottai, Pudukkottai District dt.6/5/2022 pending disposal of the main Criminal Appeal.

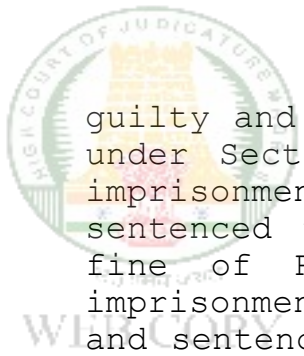
Prayer in CRL.A(MD)No.393/2022:

Pleased to call for the records in S.C.No.71 of 2019 on the file of the Learned Sessions Judge, Mahila Court, Pudukkottai, Pudukkottai District, and set aside the Judgment dated 06.05.2022 and Acquit the Appellants of the Charge leveled against them.

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.ILAYARAJA R, Advocate for the petitioner and of Mr.S.MANIKANDAN, Government Advocate(crl.side) 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, Pudukkottai District, dated 06.05.2022, in S.C.No.71 of 2019 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner, who is the Sole accused in this case, has been found



guilty and convicted by the learned Sessions judge, for the offence under Section 294(b) IPC and sentenced to undergo 3 years simple imprisonment and convicted for the offence under Section 307 IPC and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.30,000/- in default to undergo one year rigorous imprisonment and convicted for the offence under Section 506(ii) IPC and sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.20,000/- in default to undergo six months simple imprisonment, in S.C.No.71 of 2019 on the file of the learned Sessions Judge, Mahila Court, Pudukottai, Pudukottai District. The imprisonment was ordered to run concurrently. Set off under Section 428 Cr.P.C. was also ordered.

3.The case of the prosecution in brief:

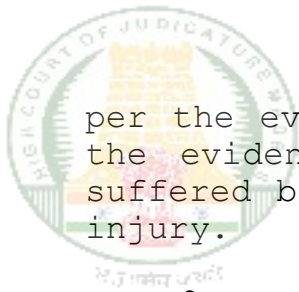
There was a family property issue between the defacto complainant family and the accused. With an intention to murder Ramarasu on 22.01.2018 at about 05.00 p.m., the accused came there with deadly weapon and by using abusive language, he caused cut injuries. Because of the above said occurrence, the Ramarasu sustained grievous injuries. He ran away from the place of occurrence by criminally intimidating the neighbours. On the basis of the above said occurrence, complaint was given and after completing the formalities of the investigation final report was filed before the concerned Court and taken cognizance. On the side of the prosecution 9 witnesses have been examined, 11 documents were marked. Apart from one material object.

4.At the conclusion of the trial, the trial Court came to the finding that the charges that were framed against the accused person were proved beyond all reasonable doubt. On that basis, the accused was found guilty and convicted and sentenced above. Challenging the above said conviction and sentence, appeal has been preferred by the petitioner. Pending appeal, this petition has been filed seeking suspension of sentence.

5.The learned counsel for the petitioner submitted that the presence of PW1 on the place of occurrence is also doubtful and that was not properly established. Even as per the evidence of the Doctor, the injury suffered by Ramarasu is only simple in nature.

6.Per contra, the learned Additional Public Prosecutor submitted that the injury that was suffered by Ramarasu is grievous in nature and due to the previous enmity only the above said attack has been committed and no interference is called for for suspending the sentence.

7.The weapon that was used for making the above said assault has been recovered and marked as M.O.1. So it appears that an assault was made by the above said M.O.1. Regarding the nature of injury, PW6 Doctor has given evidence to the effect that there was a deep injury in his right hand measuring about 8x5 c.m. and as



per the evidence of PW7, the injury is grievous in nature. From the evidence of PW6 and 7 it is seen that the injury that was suffered by Ramarasu is grievous in nature and there was bone deep injury.

8. Now the question which arises for consideration in the appeal is whether the above said assault was caused with an intention to murder Ramarasu. Reading of the FIR shows that there was a continuous demand by this petitioner for execution of settlement deed in favour of Ramarasu's wife and child. That was refused by Ramarasu. So it appears to be the motive. On the particular date of occurrence, the accused person came there with a knife and caused assault stating that he has spoiled his sister's life. PW2, who is the injured has stated that when the petitioner caused assault, he waved off the same with his right hand and cut injury was caused on the right palm region. Hence, it appears that there was a continuous trouble between the petitioner and injured. It appears that the petitioner demanded the injured to execute settlement deed in favour of his sister and the daughter of the injured.

9. So considering the period of incarceration and also considering the fact that the petitioner is not involved in any other case, I am of the considered view that this petitioner is entitled for suspension of sentence.

10. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukottai, Pudukottai District and on further condition that the petitioner shall stay away from the occurrence Village and report before the learned Judicial Magistrate No.I, Trichy, daily at 10.30 a.m. until further orders, pending the appeal.

sd/-

31/10/2022

/ TRUE COPY /

01/11/2022

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

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI, PUDUKOTTAI DISTRICT.

2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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



3 THE INSPECTOR OF POLICE
UDAYALIPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

COPY TO:

1 THE JUDICIAL MAGISTRATE NO.I
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

+1. C.C. to M/S.ILAYARAJA R Advocate SR.No.12201 (I)
Date:01/11/2022.

ORDER

IN

CRL MP(MD) No.11921 of 2022
IN

CRL A(MD) No.393 of 2022
Date :31/10/2022

TM
SA/VR/SAR. /01.11.2022/4P/8C