



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

Monday, the Seventeenth day of October Two Thousand and Twenty Two

PRESENT

**The Hon`ble Mrs.Justice J.NISHA BANU**  
**and**  
**The Hon`ble Mr.Justice N.ANAND VENKATESH**

CRL MP(MD) No.12382 of 2022  
in  
Crl.A.(MD)No.640 of 2022

VASUDEVAN

... APPELLANT/ACCUSED NO.2

Vs

THE STATE REP. BY,  
THE INSPECTOR OF POLICE,  
BAZZER POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
CRIME NO.342/2013.

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant suspension of sentence imposed in the conviction and judgment in SC No.143/2019 on the file of the Additional District and Sessions Court, Ramanathapuram District dated.7/9/2022 and enlarge the Appellant Accused No.2 on Bail pending disposal of the above Criminal Appeal.

**PRAYER in Crl.A.(MD)No.640 of 2022 :**

Pleased to call for the Records and set aside the Judgment of Additional Sessions and District Court of Ramanathapuram District dated 07.09.2022 made in S.C.No.143 of 2019 in so far as against the Appellant/Accused No.2, herein and allow the abokve 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.ANTO PRINCE G, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by A2, seeking to suspend the sentence imposed on the petitioner, by Judgment and Order dated 07.09.2022 passed in S.C.No.143 of 2019 on the file of the Additional District and Sessions Judge, Ramanathapuram, and to enlarge the petitioner on bail pending disposal of the above appeal.



2. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice for the respondent.

3. The petitioner, who was arrayed as A2 before the Court below has filed the Criminal Appeal against the conviction under Section 324 of IPC and sentencing him to undergo six months rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one year simple imprisonment.

4. The case of the prosecution is that the defacto complainant along with his friends were consuming liquor on a Diwali day. It is alleged that the deceased slapped A1 after an argument, during an earlier occasion. There was a previous enmity and on 02.11.2013, at about 01.45 p.m., A1 came along with three others and attacked the deceased indiscriminately and also one Balamurugan, Ahmed Ashiq, who attempted to stop the incident. Insofar as the allegation against the petitioner (A2) is concerned, he had attacked Ahmed Ashiq in his left knee and had caused injury.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

6. It is brought to our notice that the sentence imposed against the petitioner was suspended by the Court below from 07.09.2022 to 07.10.2022 and thereafter, it was extended till today.

7. Considering the facts and circumstance of the case and also the offence, for which, the petitioner has been convicted and also considering the fact that it will take some more time to take up the Criminal Appeal for final hearing, this Court is inclined to suspend the sentence of imprisonment imposed against the petitioner by the Court below in S.C.No.143 of 2019 dated 07.09.2022 subject to the following conditions:-

- (I) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Ramanathapuram;
- (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



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(iii) The petitioner shall appear before the respondent police every Monday at 10.30 a.m., for a period of 8 weeks. After completion of the period reporting before the respondent police, the petitioner shall report before the Additional District and Sessions Judge, Ramanathapuram, on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

sd/-  
17/10/2022

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/10/2022

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 INSPECTOR OF POLICE,  
BAZZER POLICE STATION,  
RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.ANTO PRINCE, Advocate ( SR-11507[I] dated  
17/10/2022 )

ORDER IN  
CRL MP(MD) No.12382 of 2022  
in  
Crl.A.(MD)No.640 of 2022  
Date :17/10/2022

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