



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

Friday, the Second day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL MP(MD) No.12882 of 2022
in
Crl.A.(MD) No.397 of 2022

REEGAN RAJA

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
KOMBAI POLICE STATION,
THENI DISTRICT.
CRIME NO.57 OF 2018.

... RESPONDENT/COMPLAINANT

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 by the learned Additional District Sessions Court, FTC - Theni, in S.C No. 81 of 2018 vide his judgment dated 18.04.2022 pending disposal of the main criminal appeal pending on the file of this Hon'ble Court.

Prayer in Crl.A.(MD) No.397 of 2022 :

Pleased to call for the entire records pertaining to the judgment delivered by the learned Additional District Sessions Court (FTC), Theni in S.C.No.81 of 2018 vide his judgment dated 18.04.2022 and set aside the same and consequently acquit the appellant.

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.MANICKAM R, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, 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 was convicted for offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for one year, by judgment and order dated 18.04.2022 passed in S.C.No.81 of 2018 on the file of the Additional District Sessions Judge, FTC Theni,



has filed the above criminal appeal. Pending appeal, the petition has been filed to suspend the sentence and to enlarge the petitioner on bail.

2. The case of the prosecution is that the petitioner and the deceased were friends. The deceased seems to have developed an intimacy with the wife of the petitioner and hence, there was a previous enmity. On 07.03.2018, at about 8.30 p.m., the petitioner is said to have gone along with P.W.7 (Gopinath) to an IMFL shop at Rani Mangammal Road. At that point of time, the petitioner saw the deceased consuming liquor. Hence, he went back to his workshop and took the knife and came back to the IMFL shop and stabbed the deceased indiscriminately. As a result, the deceased succumbed to the injuries.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

4. The learned counsel for the petitioner submitted that the entire case of the prosecution hinges upon the evidence of P.W.7. The learned counsel for the petitioner submitted that if really P.W.7 saw the incident, there was absolutely no reason as to why he did not speak about this incident to anybody till the next day morning. The learned counsel further submitted that the version given by P.W.7 is falsified by the evidence of P.W.6. Hence, according to the learned counsel for the petitioner, the very genesis of the case has been suppressed and hence, the benefit of doubt must be given to the petitioner. It was further brought to the notice of this Court that even the postmortem certificate and the serological report were marked without examining the concerned Doctor and Specialist and hence, there was no opportunity for the petitioner to cross-examine and ascertain certain vital facts.

5. Taking into consideration the facts and circumstances of the case and also the fact that there are no bad antecedents against the petitioner, fine amount has already been paid and that there are arguable points, this Court is inclined to consider suspension of sentence for the petitioner. There are various grounds that have to be taken into consideration in the present criminal appeal and it will take some more time for this Court to hear the appeal finally.

6. In view of the above, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.81 of 2018 dated 18.04.2022 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 Additional District and Sessions Court, Theni.



(ii) The sureties shall affix their photographs and 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 concerned Court once in fortnight 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/-
02/12/2022

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT SESSIONS JUDGE,
FTC, THENI.
2. THE INSPECTOR OF POLICE,
KOMBAI POLICE STATION,
THENI DISTRICT.
3. THE SUPERINTEDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MANICKAM, Advocate (SR-14280[I] dated 02/12/2022)

ORDER
IN
CRL MP(MD) No.12882 of 2022
in
Crl.A.(MD) No.397 of 2022
Date :02/12/2022

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USK/SSS/SAR-I/02.12.2022/3P/6C