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Crl.M.P.No.1383 of 2023 in Crl.A.No.104 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.1383 of 2023

in

Crl.A.No.104 of 2023

Murugan

Versus

... Petitioner

1. The State, represented by
Deputy Superintendent of Police,
Thirukovilur Sub Division,
Manalurpet Police Station
(Crime No.485 of 2018)

2.Ganesan

.. Respondents

Prayer : Criminal Miscellaneous Petition filed under section 389(i) r/w 439 of Cr.P.C., to suspend the sentence imposed upon the petitioner on 30.12.2022 in S.C.No.59 of 2019 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST(POA) Act, Villupuram till the disposal of the above Appeal and enlarge the petitioner on bail.

For Petitioner

... Mr.D.Senthilkumar

For Respondent

... Mr.Gokulakrishnan for R1
Additional Public Prosecutor
Mr.K.Shakespeare for R2



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed upon the petitioner on 30.12.2022 in S.C.No.59 of 2019 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST(POA) Act, Villupuram till the disposal of the above Appeal and enlarge the petitioner on bail.

2. The petitioner, who is the first accused in S.C.No.59 of 2019 is convicted and sentenced by the trial court, by its judgment dated 30.12.2022 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
First accused	U/s. 304(ii) of IPC	To undergo seven years Rigorous Imprisonment
	U/s.135(i)(a), the Electricity Act, 2003	To undergo simple imprisonment for 1 year

3. Aggrieved over the judgment of conviction and sentence imposed on the first accused / petitioner in SC.No.59 of 2019, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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4. The learned counsel for the petitioner submitted that on 06.09.2018, the defacto complainant's father Mr.Thangavel went to the first accused/petitioner agricultural field ridge. He came into contact with the wires of the electric fence, electrocuted and thereby, died. On the basis of the defacto complainant's complaint, he was charged for the offences under Sections 304(ii) IPC, 201 IPC r/w 304(ii), 135(i)(a) of the Electricity Act, 2003 and 3(2)(v) of SC/ST (POA) Amendment Act. After trial, the petitioner/A1 was found guilty and sentenced imprisonment to undergo 7 year rigorous imprisonment under Section 304(ii) of IPC and 1 year simple imprisonment under Section 135(i)(a).

5. Heard the learned counsel for the petitioner and learned Additional Government Pleader and perused the material evidence available on record.

6.Considering the nature of offence and the petitioner is in custody from 30.12.2022, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:



(i) The petitioner/A1 is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST(POA) Act, Villupuram;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above-said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

(iii) The petitioner shall appear before the trial Court as and when required.

06.03.2023

dhk

Internet:Yes/No

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
registered under SC/ST(POA) Act, Villupuram

2. The Deputy Superintendent of Police,
Thirukovilur Sub Division,
Manalurpet Police Station

3. The Public Prosecutor,
High Court, Madras.

4. The Superintendent, Central Prison,
Cuddalore



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V. SIVAGNANAM, J.

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