



Crl.M.P.No.2003 of 2023 in
Crl.A.No.139 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.2003 of 2023

in

Crl.A.No.139 of 2023

Murugavel

... Petitioner

Vs.

State Rep. by the Inspector of Police,
Edaikkal Police Station,
Villupuram District,
(In Crime No.945/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed on the petitioner by order dated 30.01.2023 passed in S.C.No.333/2020 by the Principal Sessions Judge, Villupuram and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.C.E.Pratap,
Govt. Advocate (Crl.Side)



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ORDER

The petitioner, who is an accused in S.C.No.333/2020 on the file of the Principal Sessions Court, Villupuram, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by judgment dated 30.01.2023 passed in S.C.No.333/2020, acquitted the petitioner from the offences punishable under Sections 302, 294(b) and 352 IPC, however, convicted him for the offence punishable under Section 304(ii) IPC and sentenced him to undergo 7years simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment.

3. Challenging the judgment of conviction and sentence, the petitioner preferred the present Criminal Appeal along with the instant petition, seeking to suspend the sentence of imprisonment.

4. The learned counsel for the petitioner submitted that the petitioner/



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accused and the deceased are close relatives and there exists family dispute between them and the deceased was an alcoholics. He further submitted that, without considering the evidence adduced by the witnesses in proper perspective, the Trial Court has convicted and sentenced the petitioner as stated supra and hence, the evidence adduced before the Trial Court require re-appraisal by this Court. He also submitted that there are arguable points in this Appeal and the petitioner is in judicial custody and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that, the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief



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of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Ulundurpet.***

(ii) The petitioner and 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.

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

10.02.2023
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WEB COPY **To**

1. The Principal Sessions Judge, Villupuram.
2. The Judicial Magistrate No.1, Ulundurpet.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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