



WEB COPY



Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P.No.3010 of 2023

in

Crl.A.No.1208 of 2022

1.Appusamy
2.Kuppayi
3.Selvi

... Petitioners

Vs.

The State represented by
Inspector of Police,
Mecheri Police Station,
Salem District.
Crime No.946 of 2014.

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioners by the Additional District (Fast Track) Court, Mettur, Salem District, in S.C.No.199 of 2016, by judgment dated 01.11.2022 and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.



Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022

WEB COPY

For Petitioners : Mr.C.Prabhakaran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the Additional District (Fast Track) Court, Mettur, Salem District, in S.C.No.199 of 2016, by judgment dated 01.11.2022, and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

2.The learned Additional District (Fast Track) Court, Mettur, Salem District, in S.C.No.199 of 2016, convicted and sentenced the petitioners as follows :

<i>Accused</i>	<i>Offence for which Convicted</i>	<i>Sentence</i>
1 st petitioner/A2	Section 302 IPC	Life imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo Rigorous Imprisonment for 1 year.



Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022

<i>Accused</i>	<i>Offence for which Convicted</i>	<i>Sentence</i>
2nd & 3rd petitioners/ A3 and A4	Section 302 r/w. 34 IPC	Life imprisonment and to pay a fine of Rs.10,000/- each, in default, to undergo Rigorous Imprisonment for 1 year.
	Section 352 IPC	To pay a fine of Rs.500/- each, in default, to undergo Simple Imprisonment for three weeks.

3.Challenging the above conviction and sentence, the petitioners, who are arrayed as A2, A3 and A4, have filed the above Criminal Appeal and they seek suspension of sentence and bail in the present miscellaneous petition.

4.Heard the learned counsel for the petitioners and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor, appearing for the respondent/State.

5.The case of the prosecution is that, in relation to a dispute over a piece of land, there was a wordy quarrel followed by a scuffle. A1 is the father of A2 and it is also admitted that A1 is the brother of the deceased. There appears to be a pathway dispute between the families of appellants



Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022

and the deceased by name Mani. It is the case of the prosecution that, following the wordy quarrel, A2 assaulted the deceased with sickle over left thigh, left side chest. When the deceased fell down, A1, the father of A2, stabbed the deceased with a knife over his right side chest, assaulted the deceased over his forehead, cheek, etc. It appears that, though the murder is not preplanned, the involvement of A1 is evident from the prosecution witnesses. However, the involvement of A3 and A4 is doubtful. A3 is the wife of A1. A4 is the wife of A2. From the fact that A2 also suffered some injuries, it would suggest that there was a scuffle following wordy quarrel.

6.In view of the findings against A2, learned counsel for the petitioners submits that the petition may be dismissed as against A2, however, it may be allowed as against A3 and A4/petitioners 2 and 3. Recording the submission of the learned counsel for the petitioner, **the petition as against the 1st petitioner/A2 stands dismissed.**



Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022

WEB COPY

7.However, considering the fact that the petitioners 2 and 3, who are A3 and A4, are women and their involvement is doubtful, having regard to the discrepancies in the whole evidence, this Court is of the view that the sentence can be suspended as against A3 and A4 alone and they can be released on bail, taking into account the period of incarceration.

8.Accordingly, **the sentence of imprisonment imposed on the petitioners 2 and 3, who are arrayed as A3 and A4, alone, is suspended** and they are granted bail on the following conditions:

- (i) The petitioners shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Mettur.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioners shall appear before the trial Court on the first working



Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022

WEB COPY

day of every month at 10.30 a.m. until the disposal of the Appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

(S.S.S.R., J.) (S.M., J.)
06.10.2023

mkn

Internet : Yes

Index : Yes / No

To

1. The Additional District (Fast Track) Court,
Mettur, Salem District.
2. The Judicial Magistrate No.2,
Mettur.
3. The Inspector of Police,
Mecheri Police Station,
Salem District.



Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022

4.The Superintendent,
Women Prison,
Coimbatore.

5.The Public Prosecutor,
High Court, Madras.

6.The Superintendent,
Central Prison,
Coimbatore.



WEB COPY



Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022

S.S. SUNDAR, J.
and
SUNDER MOHAN, J.

mkn

Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022



WEB COPY



Crl.M.P.No.3010 of 2023
in Crl.A.No.1208 of 2022

06.10.2023