



Crl.M.P.No.6731 of 2023  
in Crl.A.No.543 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**  
AND  
THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

**Crl.M.P.No.6731 of 2023**

**in**

**Crl.A.No.543 of 2023**

Subramanian @ Edhirvel

... Petitioner

Vs.

State of Tamil Nadu  
rep. By Inspector of Police,  
Cuddalore Port Police Station,  
Cuddalore District.

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to enlarge the petitioner/appellant on bail by suspending the sentence imposed on the petitioner/appellant by the learned I Additional District and Sessions Court, Cuddalore in S.C. No.31 of 2019 dated 28.04.2023 pending disposal of the appeal.

For Petitioner : Mr.S.Manuraj

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor



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## **ORDER**

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

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the I Additional District and Sessions Judge, Cuddalore, in S.C.No.31 of 2019, dated 28.04.2023, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2.The learned I Additional District and Sessions Judge, Cuddalore, in S.C.No.31 of 2019, has convicted and sentenced the petitioner/A10 as follows :

| <b><i>Offence for which<br/>Convicted</i></b> | <b><i>Sentence</i></b>                                                                                   |
|-----------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Section 148 IPC                               | Rigorous imprisonment for a period of three years.                                                       |
| Section 342 IPC                               | Rigorous imprisonment for a period of one year.                                                          |
| Section 324 IPC                               | Rigorous imprisonment for a period of three years.                                                       |
| Section 302 IPC                               | Life imprisonment and to pay a fine of Rs.5,000/-, in default to undergo one year rigorous imprisonment. |
| Sentences were ordered to run concurrently    |                                                                                                          |



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3.Challenging the above conviction and sentence, the petitioner, who is arrayed as A10, has filed the above Criminal Appeal and he is seeking suspension of sentence and bail in the present miscellaneous petition.

4. The case of the prosecution is that there was existing conflicts among the villagers of Devanampattinam and Sonangkuppam of Cuddalore District, with regard to usage of banned fishing net during the annual fishing ban period. On 15.05.2018 at about 6.00 a.m. there was quarrel among the fishermen of those two villages, when they were fishing in the sea zone. Consequently there was tension prevailing in two villages. At about 9.00 a.m. on 15.05.2018, it is alleged that the accused persons belonging to Devanampattinam Village marched to the Sonangkuppam Village with deadly weapons and committed riot and murder. Due to multiple injuries sustained by the deceased by name Panchanathan, he died. The charge sheet was laid against all the 21 accused. Out of 21 accused, one accused died during trial, 10 accused were acquitted and remaining 10 accused were convicted.



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5.Heard the learned counsel for the petitioner/A10 and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the respondent/State.

6.According to the witnesses, the petitioner/A10 attacked the deceased with a bill hook on the backside of the deceased. It is to be seen that the alleged weapon used by the petitioner/A10 is not seized. It is to be noted that as per the Accident Register as well as Postmortem Certificate corresponding injury allegedly inflicted by the petitioner/A10 is not referred. In such circumstances, there is a serious doubt as to the involvement of the petitioner/A10 in causing the death of the deceased. Prima facie this Court finds no convincing evidence as against the petitioner/A10 to involve him in the offence. In the said circumstances, this Court is inclined to suspend the sentence imposed by the trial Court on the petitioner/A10.

7.Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence of imprisonment imposed on the petitioner/A10 is



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**suspended** and he is granted bail on 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 I Additional District and Sessions Judge, Cuddalore.
- (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 card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court 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.

(S.S.S.R., J.) (S.M., J.)  
09.10.2023

Index : Yes / No  
Neutral Citation: Yes/No  
mmi/spp



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To

- 1.The I Additional District and Sessions Judge,  
Cuddalore.
- 2.The Inspector of Police,  
Cuddalore Port Police Station,  
Cuddalore District.
- 3.The Superintendent,  
Central Prison,  
Cuddalore.
- 4.The Public Prosecutor,  
High Court, Madras.



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

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