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Crl.M.P.Nos.16391 & 16753 of 2022
in Crl.A.Nos.721 & 528 of 2022

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S.S. SUNDAR, J.

and

SUNDER MOHAN, J.

[Order of the Court was made by **S.S. SUNDAR, J.**]

These Criminal Miscellaneous Petitions have been filed to suspend the sentence imposed on the petitioners by the Principal District and Sessions Judge, Thiruvarur, in S.C.No.52 of 2017, by judgment dated 23.04.2022 and to enlarge the petitioners/accused on bail pending disposal of the above Criminal Appeals.

2.The case of the prosecution is that, the accused 1 to 4 and juvenile delinquent, who were relatives, were neighbours to the deceased Madhan; that the 4th accused took the motor cycle of the deceased and caused damages to it, for which the deceased lodged a complaint against the 4th accused along with other accused; since the deceased refused to withdraw the complaint, enmity arose between the accused and the deceased; that on 12.05.2013 at about 10.00 p.m., when the deceased along with his brother were in their house, the accused 1 to 3 with



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WEB COPY

Juvenile armed with aruvals, 2nd accused armed with pechuva kathi, 3rd accused armed with patta kathi, unlawfully assembled and illegally trespassed into the house of the deceased with common intention to murder; that the accused attacked the deceased with their weapons; that the deceased ran away from that place; however, all the accused chased him to the main road and in front of United Matriculation School, the accused persons assaulted the deceased with their weapons, due to which the deceased sustained grievous injuries on his right shoulder, back, right arm, chest and all over the body and in vital parts and ultimately, the deceased succumbed to the injuries. Hence, the case.

3.The case was tried by the learned Principal District and Sessions Judge, Thiruvavarur, in S.C.No.52 of 2017, and ultimately, the petitioners/accused were convicted and sentenced as follows :

<i>Accused</i>	<i>Conviction</i>	<i>Sentence</i>
A1 to A4	Section 148 IPC	Simple Imprisonment for a period of 2 years
	Section 452 IPC	Rigorous Imprisonment for a period of 5 years to pay a fine of Rs.1,000/- each, in default, to undergo Simple Imprisonment for 2 months
	Section 341 IPC	Simple Imprisonment for a period of one month, each
A1,	Section 302 IPC	Life imprisonment and to pay a fine of



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A2 & A4		Rs.5,000/- each, in default, to undergo Simple Imprisonment for six months
A3	Section 302 IPC (2 counts)	Life imprisonment for each count and to pay a fine of Rs.5,000/- for each count, in default, to undergo Simple Imprisonment for six months
The sentences were ordered to run concurrently		

4.Challenging the above conviction and sentence, the 1st accused has filed Crl.A.No.528 of 2022 and the accused 2 to 4 have filed Crl.A.No.721 of 2022 and they seek suspension of sentence and bail in the above miscellaneous petitions.

5.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

6.Except few discrepancies pointed out by the learned counsel for the petitioners in the evidence of prosecution side witnesses, this Court is unable to find a *prima facie* case in favour of the petitioners to come to a conclusion that there is a fair chance of acquittal in this case. Having regard to the nature of the crime and the manner in which it was executed in public, we are not inclined to show any indulgence to the petitioners or



Crl.M.P.Nos.16391 & 16753 of 2022
in Crl.A.Nos.721 & 528 of 2022

exercise our discretion in this case.

WEB COPY

7. Therefore, these Criminal Miscellaneous Petitions are dismissed.

(S.S.S.R., J.) (S.M., J.)
09.11.2023

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S.S. SUNDAR, J.
and



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