



CRL MP(MD) No.2976 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Fifth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) Nos.2976 & 4656 of 2023
in
CRL A(MD) Nos.137 & 217 of 2023

THANGAM @ MATHALAIMUTHU ... APPELLANT/ ACCUSED NO.4
IN CRL MP(MD).2976/2023 IN CRL A(MD).137/2023

1 ANTHONY VIMAL RAJ @ VIMAL ANTHONY
2 CHINNAPARAJ
3 ARUL AROCKIYADOSS @ AVUKUTTI
... PETITIONERS/ APPELLANTS/ ACCUSED NO.1 TO 3
IN CRL MP(MD).4656/2023 IN CRL A(MD).217/2023

Vs

State Rep.by
THE INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL.
(CRIME NO.198/2014).

... RESPONDENT/COMPLAINANT
IN BOTH CRL MP's

Prayer in CRL MP(MD).2976/2023 in CRL A(MD).137/2023 :

To suspend the execution of the sentence dt.15/11/2022 passed in SC.No.136/2018 by the learned Additional District and Sessions Judge,Dindigul and enlarge the petitioner on bail pending disposal of above Criminal Appeal pending disposal of Crl A.



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Prayer in CRL A(MD).137/2023 :

To call for entire records pertaining to the judgment dated 15.11.2022 made in S.C.No.36/2018 passed by the Learned Additional District and Sessions Judge, Dindigul and allow this Criminal Appeal.

Prayer in CRL MP(MD). 4656/ 2023 in CRL A(MD).217/2023 :

To suspend the sentence imposed on the petitioners/appellants/accused No.1 to 3 by the Learned Additional District and Sessions Judge, Dindigul by its judgment in SC No.36/2018 dt.15.11.2022 and enlarge them on bail pending disposal of the Crl Appeal.

Prayer in CRL A(MD).217/2023 :

To call for the records of the impugned judgment made in S.C.No.36 of 2018 on the file of the Learned Additional District and Sessions Court, Dindigul, dated 15.11.2022 and set aside the same.

Order : These Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.ANBUMANIKANDAN, Advocate for the petitioner in CRL MP(MD). 2976/2023 in CRL A(MD).137/2023 and MR.M.JEGADEESH PANDIAN, Advocate for the petitioner in CRL MP(MD).4656/2023 in CRL A(MD).217/2023 and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondents in both CRL MP's, the court made the following order:-

[Order of the Court was made by M.NIRMAL KUMAR, J.]

In continuation of and in conjunction with the order passed by this Court dated 18.07.2023, the learned Additional Public Prosecutor had filed additional counter, giving details of delay at the stage of committal, during trial and also during examination of the witnesses.

2.The learned counsel for the petitioner in CRL.M.P.(MD)No.4656 of 2023 had filed a compilation of dates and events. He submitted that in this case, investigation



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has been completed and P.R.C.No.15 of 2014 was assigned and thereafter, it was committed to the Court of Sessions. The learned Principal District Judge, upto 24.01.2018 had kept the case pending without taking it on file for the reason that some of the details of properties involved in this case have not been submitted and only on 15.10.2019, the case properties have been received and trial of the case was fixed to 07.02.2020. In the meanwhile, due to Covid-19 Pandemic situation, there was a lock down of Courts and therefore, the delay is not caused on the part of the accused.

3.He further submitted that the deceased party had attacked the accused persons with stones and the accused persons have attacked the deceased party with their hands and as regards the 1st accused, after the year 2014, he had not involved in any other offence except the present one.

4.It is seen that in this case typed set of papers is made ready and therefore, this Court feels that the appeals can be directly taken up for final hearing. Hence, these petitions for suspension of sentence are dismissed.

sd/-
25/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

2 THE INSPECTOR OF POLICE, DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL.

3 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

ORDER IN
CRL MP(MD) Nos.2976 & 4656 of 2023
in
CRL A(MD) Nos.137 & 217 of 2023
Date :25/08/2023

RS/JGB/SAR-(04.09.2023) 4P 4C

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