



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

Monday, the Nineteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and
The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

CRL MP(MD) No.4595 of 2023
in
CRL A(MD) No.212 of 2023

1 JUSTIN DOSS @ JUSTIN
2 JOHNSON PRABHAKARAN
3 THAMARA KANNAN @ KANNAN
4 IGNESEIOUS INBARAJ

... PETITIONERS/APELLANTS
/ACCUSED NO.5 TO 8

Vs

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

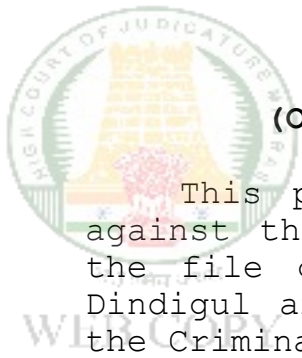
... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioners / appellants / accused no.5 to 8 by the learned Additional District and Sessions Judge, Dindigul by its Judgment in S.C No.36 of 2018 dated 15.11.2022 and enlarge them on bail pending disposal of the Criminal Appeal.

Prayer in CRL A(MD).212/2023 :

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 : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.KARUNANITHI, Advocate for M/S.JEGADEESH PANDIAN M, Advocate for the petitioners and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



(Order of the Court was made by **R.SURESH KUMAR, J.**)

This petition has been filed to suspend the sentence imposed against the petitioners in S.C.No.36 of 2018, dated 15.11.2022 on the file of the learned Additional District and Sessions Judge, Dindigul and release the petitioners on bail till the disposal of the Criminal Appeal.

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

3. The learned counsel for the petitioners though made submissions taking various points seeking for suspension of sentence for the petitioners, who stood as A5 to A8, at one point of time, the learned counsel for the petitioners, on instructions, would submit that this petition in respect of A5, A7 and A8, namely, Justin Doss @ Justin, Thamaraikannan @ Kannan and Igneshious Inbaraj, may be permitted to be withdrawn with liberty to approach this Court at an appropriate time later on.

4. However, he pressed this petition for A6 / 2nd petitioner alone, namely, Johnson Prabhakaran.

5. Insofar as A6 / 2nd petitioner is concerned, there has been no previous case. However, there are some previous cases in respect of other accused.

6. Since there has been no previous case against A6 / 2nd petitioner and whether A6 / 2nd petitioner has acted upon as one of the accused for the execution of the murder of the deceased at the instance of A9 or A10 or anybody's instance, is a matter to be gone into by this Court at the time of final hearing, for which, it will take some reasonable time. Therefore, considering these circumstances, we are inclined to suspend the sentence imposed against A6 / 2nd petitioner alone and in respect of others, this petition is dismissed as withdrawn with liberty to them to move it at an appropriate time later on. Accordingly, this Criminal Miscellaneous Petition is ordered in respect of A6 / 2nd petitioner alone and the imprisonment ordered by the trial Court through the impugned judgment against A6 / 2nd petitioner is suspended subject to the following conditions:-

(i) The 2nd petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Dindigul;

(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 to ensure their identity; and



(iii) The 2nd petitioner shall appear before the learned Magistrate No.III, Dindigul, once in a month, the first such appearance shall be made insofar as June, 2023 is concerned, on 26.06.2023 at 10.30 a.m. and subsequently, on the first working day of every English Calendar month he shall appear before the learned Judicial Magistrate concerned at 10.30 a.m. until further orders and if he is not able to appear before the said Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the said Court on any other day in lieu of the date of his absence, as directed by the said Court.

sd/-

19/06/2023

/ TRUE COPY /

21/06/2023

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

myr

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.
- 2 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 4 THE INSPECTOR OF POLICE, DINDIGUL TOWN POLICE STATION, DINDIGUL.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-9187[I] dated 20/06/2023)

ORDER
IN
CRL MP(MD) No.4595 of 2023
in
CRL A(MD) No.212 of 2023
Date :19/06/2023

RS/VR/SAR-(21.06.2023) 3P 8C