



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twelfth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

CRL.M.P. (MD) No.6667 of 2023

in

CRL.A. (MD) No.341 of 2023

SAMUTHIRAPANDIAN

... APPELLANT / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
CRIME NO.95/2015

... RESPONDENT / COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an order of suspension of sentence imposed by the Learned Assistant Sessions court, Sanakarankovil in S.C No. 757 of 2016 dated 20.03.2023 and enlarge the petitioner / Appellant / Sole Accused on bail pending disposal of the Criminal Appeal.

Prayer in Crl.A(MD)No.341 of 2023:

To call for the records relating to the S.C.No.757 of 2016 on the file of the learned Assistant Sessions Judge, Sankarankovil vide judgment dated 20.03.2023 and set aside the same and to acquit the Appellant / Sole Accused by allowing the present Criminal Appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SIVA SURIYA NARAYANAN.A, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate(Crl.Side)on behalf of the Respondent, the court made the following order:-

This Criminal M.iscellaneous Petition has been filed to suspend the sentence passed in S.C.No.757 of 2016, dated 20.03.2023, on the file of the Assistant Sessions Court, Sankarankovil, and enlarge the petitioner on bail till the disposal of this Criminal Appeal.

2. The case of the prosecution is that on 25.12.2015, when the petitioner as well as P.W.1 attending the temple function, there was



altercation between the parties regarding the distribution of property. In the said altercation, the petitioner said to have stabbed P.W.1 and caused injuries to him.

3. On the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.95 of 2015 for the offences under Sections 341, 294(b), 324 and 307 of IPC.

4. The respondent police, after completing the investigation, has laid a final report for the offences under Sections 341, 294(b) and 307 of IPC.

5. During the trial, the prosecution has examined 14 witnesses as P.W.1 to P.W.12 and exhibited 10 documents as Ex.P.1 to Ex.P.10, whereas, the accused has adduced neither oral nor documentary evidence.

6. The learned Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the impugned judgment dated 20.03.2023 and convicting the petitioner/accused for the offences under Sections 341 and 307 of IPC. He was sentenced to undergo 1 week Rigorous Imprisonment for the offence under Section 341 of IPC and he was sentenced to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.100/- in default, to undergo 1 month Simple Imprisonment for the offence under Section 307 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

7. The learned counsel for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner is in custody for more than 110 days. Hence, he seeks suspension of sentence.

8. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

9. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

10. 1. This Court considering the special circumstances of the case that the incident took place at the spur of the movement during the temple festival and both are relatives and the incarceration period of 110 days, this Court is inclined to grant suspense of



10.2. Apart from that, certain infirmities and inconsistencies in this case and also certain contradictions in material particulars brought to the knowledge of this Court and hence, this Court *prima facie* feels that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

11. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Assistant Sessions Court, Sankarankovil;

(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 petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-

12/07/2023

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

dss

TO

- 1 THE ASSISTANT SESSIONS JUDGE,
SANKARANKOVIL.
- 2 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION, TENKASI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.A.SIVA SURIYA NARAYANAN, ADVOCATE, SR-10618[I]

ORDER IN

CRL.M.P. (MD) No.6667 of 2023
in CRL.A. (MD) No.341 of 2023
Date :12/07/2023