



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

Tuesday, the Third day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and

The Hon`ble Mr.Justice SUNDER MOHAN

CRL MP(MD) No.12297 of 2022

in

CrI.A.(MD) No.317 of 2022

DURAI

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SENGOTTAI POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.253/2012).

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the Additional District and Sessions Judge (FTC), Tenkasi in SC No.404/2013 by judgment dated 11.04.2022, pending the disposal of the main Criminal Appeal on the file of this Hon'ble Court.

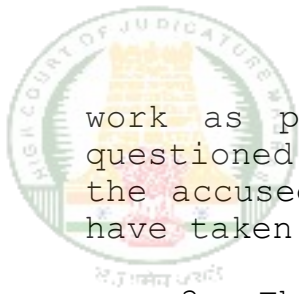
PRAYER IN CRL A(MD) No.317 of 2022:

To call for the records in the judgment of the Additional District and Sessions Judge(FTC), Tenkasi dated 11.04.2022 in S.C.No.404/2013 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 M/S.RAMASAMY S, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner, who is the first accused, convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for one year, has filed the above criminal appeal. Pending appeal, the petitioner seeks to suspend the sentence imposed on him.

2. The case of the prosecution is that the accused persons are known to P.W.1 and P.W.3. P.W.1, her husband and her father-in-law and mother-in-law, usually go to Paramakudi for their work; A1 agreed to work with them if he was paid Rs.10,000/- as advance. It is alleged that after receiving the advance money, A1 did not go for



work as promised or send any other worker. When the accused questioned the accused about that a wordy quarrel took place between the accused and the deceased. Thereafter, the occurrence is said to have taken place.

3. The learned counsel for the appellant submits that the injury inflicted on the deceased was not on the vital part and the deceased who died one day later at the hospital. He would further submit that the occurrence took place pursuant to the wordy quarrel and that there was neither intention nor knowledge, to commit murder. The learned counsel for the petitioner further submitted that the petitioner is in custody for 8 months and therefore, prayed for suspension of sentence.

4. This Court finds some force in the submission of the learned counsel for the appellant and he has raised arguable points in the appeal. In our view he has made out grounds for suspension of sentence. Further, the second accused has also been granted suspension of sentence by this Court in Crl.M.P(MD)No.11140 of 2022.

5. In view of the above, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.404 of 2013 subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, of whom, one should be a blood-related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sengottai;

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.

iii. The petitioner shall appear before the respondent police every Monday at 10.30 a.m., for a period of 8 weeks. After completion of the period reporting before the respondent police, the petitioner shall report before the Judicial Magistrate Court, Sengottai, on the first working day of every month at 10.30 a.m.

sd/-

03/01/2023

/ TRUE COPY /

10/01/2023

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



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC),
TENKASI.

2 THE JUDICIAL MAGISTRATE, SENGOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE
SENGOTTAI POLICE STATION,
TENKASI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAMASAMY S, Advocate (SR-79[I] dated 03/01/2023)

ORDER

IN

CRL MP(MD) No.12297 of 2022
in

Cr1.A.(MD) No.317 of 2022

Date :03/01/2023

USK/SSS/SAR-II/11.01.2023/3P/8C