



CRL MP(MD) No.13996 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Fourth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.13996 of 2023
in
CRL RC(MD)No.1089 of 2023

ANANTH

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
RAJAKKAMANGALAM CIRCLE,
EATHAMOZHI POLICE STATION,
KANNIYAKUMARI DISTRICT.
CRIME NO. 61 OF 2010.

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous 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 Petitioner in SC.No.45 of 2011 on the file of Learned II-Additional Assistant Sessions Court,Nagercoil dt.19.10.2016 confirmed by the Honble Additional District Sessions (Fast Track Court),Nagercoil in Crl.A.No.66 of 2016 dated 21.03.2023, pending disposal of the main Criminal Revision Petition.

Prayer in CRL RC(MD). 1089/ 2023 :

To call for the records pertaining to the order passed in Crl.A.No.66 of 2016 on the file of the Honble Additional District Session (Fast Track Court),Nagercoil dt.21.3.2023 confirming the Judgment passed in SC.No.45 of 2011 dated 19.10.2016 on the file of the II Additional Assistant Session Court, Nagercoil and set aside the same as illegal.



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Order : This 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.ARAVINTHAN G, Advocate for the petitioner and of Mr.MANIKANDAN, Government Advocate on behalf of the Respondent while admitting the Criminal Revision Case., the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner and to grant bail in S.C.No.45 of 2011 on the file of the learned II Additional Assistant Sessions Court, Nagercoil dated 19.10.2016 which was confirmed by the Additional District and Sessions (Fast Track) Court, Nagercoil, in Crl.A.No.66 of 2016 dated 21.03.2023 pending disposal of the main Criminal Revision Petition.

2. The learned counsel for the petitioner would submit that the petitioner is the Accused No.1. The petitioner and other accused were convicted by the II Additional Assistant Sessions Judge, Nagercoil, for the offence under Section 307 IPC, and sentenced them to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- each in default to undergo 3 months Simple Imprisonment. The learned Additional District and Sessions Judge (Fast Track), Nagercoil, Kanyakumari District, dismissed the appeal filed by the petitioner, in Crl.A.No.66 of 2016.



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3. The learned counsel for the petitioner would further submit that the petitioner is in custody from 20.06.2023 and the Accused Nos.3 & 4 have compromised the matter and they were already released on bail. Now, the petitioner and the injured are ready to settle the issue between them and also going to compromise the matter. Hence, he seeks for the suspension of sentence to the petitioner.

4. This Court has considered the submission made by the counsel for the petitioner and also perused the materials available on record.

5. The Accused Nos.3 & 4 have already been released on bail by suspending the sentence as per the order of this Court in Crl.M.P.(MD) No.12472 of 2023 in Crl.R.C.(MD) No.964 of 2023, dated 30.08.2023. Even as per the prosecution case, there was dispute between the petitioner and the injured witnesses relating to the repayment of Rs.2,000/-. Both the parties are neighbours. When the petitioner was demanding the repayment of Rs.2,000/-, the witnesses have refused to repay the same. Therefore, some scuffle has been taken place. In result, the petitioner said to have assaulted the witnesses with weapons and caused injuries.



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6. Now, the learned counsel for the petitioner would submit that the parties are going to enter into compromise. Considering the fact that the sentence of imprisonment against the Co-Accused were already suspended, this Court is inclined to grant suspension of sentence to the petitioner.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended with the following directions:-

(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 learned II Additional Assistant Sessions Judge, Nagercoil;

(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 Trial Court once in a month ie., on the first working day of every English calendar Month at 10.00 a.m., until further orders.

sd/-
04/10/2023

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05/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE II ADDITIONAL ASSISTANT SESSIONS JUDGE,
NAGERCOIL.
 - 2 THE ADDITIONAL DISTRICT
SESSION JUDGE(FAST TRACK),
NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE
RAJAKKAMANGALAM CIRCLE,
EATHAMOZHI POLICE STATION,
KANNIYAKUMARI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.G.ARAVINTHAN, Advocate (SR-14628[I] dated 04/10/2023)

ORDER
IN
CRL MP(MD) No.13996 of 2023
in
CRL RC(MD)No.1089 of 2023
Date :04/10/2023

SS/05/10/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023