



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Thirteenth day of April Two Thousand and Twenty Three

WEB COPY

PRESENT

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

CRL MP(MD) No.13532 of 2022
and
CRL A(MD)No. 347 of 2022

PITCHAI

... PETITIONER/APPELLANT

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
PAMBAN POLILCE STATION,
PAMBAN,
RAMANATHAPURAM DISTRICT.
CR.NO.3/2013

... 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 against the petitioner vide judgment dated 12.04.2022 in S.C.No.132/2013 on the file of the Additional District and Sessions Judge, Ramanathapuram and enlarge the petitioner on bail pending disposal of the above Criminal appeal.

PRAYER IN CRL A(MD)No.347 of 2022:

To Call for the records relating to the Judgment dated S.C.No.132 of 2013 on the file Additional District and Sessions Judge, Ramanathapuram dated 12.04.2022 and set aside the same and allow this criminal Appeal by acquitting the appellant from all the charges.

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.T.LAJAPATHI ROY, Senior Counsel for M/S.SHANMUGANATHAN VR, Advocate for the petitioner 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 petitioner in S.C.No.132 of 2013, dated 12.04.2022 on the file of the learned Additional District and Sessions Judge, Ramanathapuram and enlarge him on bail pending disposal of the Criminal Appeal.

2.Heard Mr.T.Lajapathi Roy, learned Senior Counsel appearing for the petitioner and Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor appearing for the respondent.

3.There are two accused in this case. A1 already died before completion of the trial. Therefore, the sole accused is A2 ie., the petitioner herein, against whom there has been no specific overt act. The only allegation against the petitioner / A2 was that he asked A1 to beat the deceased and kill him.

4.Insofar as this evidence is concerned, that has been made by P.W.1, who is the uncle of the deceased. The other evidence was P.W.3, who is also the relative of the deceased and insofar as the statement of P.W.3, corroborating this is concerned, P.W.14 Investigation Officer has stated that this was not uttered by P.W.3, when she was enquired by P.W.14.

5.This contradiction would go to show that there may be a good case for the petitioner / A2, which can be gone into and decided by this Court during the final hearing, for which it will take some more time to take up the main appeal for final hearing. Therefore, in the meanwhile, in view of the aforestated *prima facie* case, we come to the conclusion that the petitioner is deserved to be considered for suspension of sentence and accordingly, this Criminal Miscellaneous Petition is allowed and the imprisonment ordered by the trial Court through the impugned judgment is suspended subject to the following conditions:-

(i)The 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 Additional District and Sessions Judge, Ramanathapuram;

(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 learned Additional District and Sessions Judge, Ramanathapuram, once in a month, the first such appearance shall be made insofar as April, 2023 is concerned, on 18.04.2023 at 10.30 a.m. and subsequently, on the



first working day of every English Calender month he shall appear before the learned Additional District and Sessions Judge, Ramanathapuram 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/-

13/04/2023

/ TRUE COPY /

13/04/2023

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

MYR
TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM DISTRICT.
- 2 THE INSPECTOR OF POLICE
PAMBAN POLILCE STATION, PAMBAN,
RAMANATHAPURAM DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SHANMUGANATHAN VR, Advocate (SR-5834[I] dated
13/04/2023)

ORDER
IN
CRL MP(MD) No.13532 of 2022
and
CRL A(MD)No. 347 of 2022
Date :13/04/2023

PKP/VR/SAR- /13.04.2023/ **3P/6C**