



CRL.M.P.(MD)No.14029 of 2023

WEB COPY

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

Wednesday, the Thirteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL.M.P.(MD)No.14029 of 2023
in
CRL.A.(MD)No.906 of 2023

1 SENTHIL

2 VIVEK

3 MANIKANDAN

4 PRAKASH

...APPELLANTS/ ACCUSED NO.1 TO 4

Vs

1 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.

... RESPONDENT/COMPLAINANT

(*)2 PRADEEP

....2ND RESPONDENT

(R2 IS IMPEADED AS PER ORDER OF THE
COURT DT 20/10/2023 IN CRL.MP(MD)
15063 OF 2023 IN CRL A(MD)NO.906 OF
2023)

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 by the Honble Pincipal Sessions Judge, Karur in S.C.No.30 of 2021 dated 18.08.2023 and enlarge the appellants on bail pending disposal of the above Criminal Appeal and pass appropriate order or orders..



CRL.M.P.(MD)No.14029 of 2023

WIPRIN PRAYER IN CRL A(MD)No.906 of 2023:

To call for the records pertaining to the judgment rendered by the Court may be pleased to call for the records pertaining to the judgment rendered by the Principal Sessions Judge, Karur in S.C.No.30 of 2021 dated 18.08.2023 and set aside the same allowing the 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.JINNAH.S.M.A., Advocate for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent No.1 and MR.MICHEAL HELDON KUMAR, Advocate for the Respondent No.2, the court made the following order:-

Reserved on : 30.11.2023

Pronounced on : 13.12.2023

The petitioners have filed this petition to suspend the sentence imposed against them by the Principal Session Judge, Karur in S.C.No.30 of 2021 dated 18.08.2023 and enlarge them on bail pending disposal of the Criminal Appeal.

2. The case of the prosecution is that on 15.03.2021, temple festival was conducted in Angalaparameshwari Temple, Manathattai, Kulithalai Taluk. During the procession of the temple festival, there was a wordy quarrel arose between the petitioners and the defacto complainant, in which the petitioners abused the defacto complainant by using filthy language and also assaulted him and caused injury. Subsequently, the petitioners abused the defacto complainant by using his caste name



CRL.M.P.(MD)No.14029 of 2023

WEB COPY

and threatened him with dire consequences. Based on the complaint F.I.R. was registered in Crime No.137 of 2021 for the offence under Sections 294(b), 323, 324 & 506(ii) of IPC r/w 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (POA) Act, 1989. After completion of investigation, final report was filed before the learned Principal Session Judge, Karur and the same was taken on file in S.C.No.30 of 2021.

(i) To prove the charge, the prosecution examined 14 witnesses as P.W.1 to P.W.14 and marked 14 exhibits as Ex.P1 to Ex.P14. On defence side two witnesses were examined and two documents were marked. After considering both sides evidences and both side arguments, the Trial Court has found the petitioners/accused guilty for the offence under Section 324 of IPC and sentenced them to undergo simple imprisonment for a period of 3 years each and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for a period of 3 months each and for the offence under Section 323 of IPC sentenced them to undergo simple imprisonment for a period of 1 year each and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for a period of 3 months each. Challenging the above said conviction and sentence, the petitioners preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.



CRL.M.P.(MD)No.14029 of 2023

WEB COPY

3. The learned counsel for the petitioners 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 and he prays to allow this petition.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

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

6. The learned counsel for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains 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 petitioners herein are entitled to the relief of grant of suspension of sentence.



CRL.M.P.(MD)No.14029 of 2023

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i) The petitioners/Accused Nos.1 to 4 are directed to be enlarged on bail on condition that the petitioners/ Accused Nos.1 to 4 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Karur;

(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 petitioners/Accused Nos.1 to 4 shall appear before the trial Court on first working day of every week at 10.30 a.m., until further orders.

sd/-
13/12/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

<https://www.mhc.tn.gov.in/judis>



CRL.M.P.(MD)No.14029 of 2023

WITTO COPY

- 1.THE PRINCIPAL SESSIONS JUDGE, KARUR
- 2 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P.(MD)No.14029 of 2023
in
CRL.A.(MD)No.906 of 2023
Date :13/12/2023

RK/DD (14/12/2023) 6P /4C

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