



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

Thursday, the First day of June Two Thousand and Twenty Three
PRESENT

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

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

CRL MP(MD) No.16122 of 2022

and

CRL A (MD) 514 of 2022

MANIKANDAN @ MANIVANNAN

... Petitioner / Appellant /
Accused No.1

Vs

THE STATE REP BY
THE DEPUTY SUPERINTENDENT OF POLICE,
USILAMPATTI SUB DIVISION,
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.119 OF 2014.)

... Respondent / 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 by the judgment dt.22.6.2022 made in SC.No.383 of 2014 on the file of the Sessions Judge, Mahalir Court, Madurai and enlarge the Petitioner on bail pending disposal of the above Appeal.

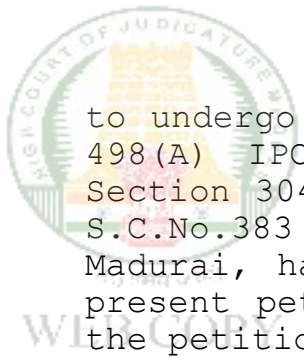
Prayer in CRL A (MD) No.514 of 2022:

To call for the records relating to the judgment dated 22.06.2022 made in S.C.No.383 of 2014 on the file of Sessions Judge, Mahalir Court, Madurai and set aside the conviction and sentence imposed against petitioner/A1, A2, A4, A5, A6 and allow above appeal by acquitting petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of for Mr.AJMAL KHAN, Senior Counsel for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, 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.)

The petitioner /A1, who was convicted for offences under Sections 498(A) and 304-B IPC and sentenced to undergo three years imprisonment and to pay a fine of Rs.2 lakhs, in default,



to undergo six months simple imprisonment for offence under 498(A) IPC and to undergo life imprisonment for offence under Section 304-B IPC, by judgment and order dated 22.06.2022 passed in S.C.No.383 of 2014 on the file of the Sessions Judge, Mahalir Court, Madurai, has filed the above criminal appeal. Pending appeal, the present petition has been filed to suspend the sentence imposed on the petitioner and to enlarge the petitioner on bail.

2. Heard the learned Senior counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. The learned Senior counsel would contend that there are six accused in this case. Insofar as the accused Nos.2, 4,5 and 6 are concerned, a coordinate Bench of this Court in Crl.M.P.No.9795/2022 in Crl.A.No.514 of 2022 had considered their application for suspension of sentence and accordingly by order dated 18.10.2022 was pleased to suspend the sentence.

4. He would also submit that insofar as this petitioner is concerned, as he is the husband of the deceased and also arrayed as A-1 in this case and therefore, he was not considered at that time. However, insofar as this petitioner, even though he stood as A-1, had also been in jail since 22/06/2022 almost for a year, therefore, consideration may be shown to him also, the learned counsel contended.

5. We have considered the submission made by the learned counsel on either side.

6. Insofar as the merits of the case is concerned, whether on that basis the petitioner is entitled to get acquittal is the matter to be agitated at a later point of time, ie., during the final hearing of the appeal, for which, it will take some reasonable time. However the fact remains that since 22.06.2022, this petitioner has been in incarceration and other co-accused had already been enlarged on bail by the order of the Coordinate Bench as stated supra, we are of the view that the said benefit can also be extended to the present petitioner also considering his one year incarceration since 22.06.2022 as it will take some reasonable time for final hearing of the main appeal.

4. In view of the above, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.383 of 2014 dated 22.06.2022 subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Court, Madurai;



(ii) The sureties shall affix their photographs and 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 respondent police every Monday at 10.30 a.m. for a period of eight weeks. After completion of the period reporting before the respondent police, he shall report before the concerned Court on the first working day of every English Calender month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

01/06/2023

/ TRUE COPY /

02/06/2023

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

RR

To

1.The Sessions Judge, Mahalir Court, Madurai.

2.The Deputy Superintendent of Police,
Usilampatti Sub Division,
Usilampatti Town Police Station,
Madurai District.

3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-7909[I] dated
01/06/2023)

ORDER

IN

CRL MP(MD) No.16122 of 2022
and

CRL A (MD) 514 of 2022

Date :01/06/2023

ED/BUC/SAR- (02/06/2023) 3P 6C
<https://www.mhc.in.gov.in/judis>