



CRL MP(MD) No.17375 of 2023

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

Friday, the Fifteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.SUNDAR
and
The Hon`ble Mr.Justice R. SAKTHIVEL

CRL MP(MD) No.17375 of 2023
AND
CRL A(MD) No.425 of 2021

VEERASAMY

... PETITIONER/APPELLANT/ACCUSED 1

Vs

THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.483/2017.

... 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 Execution of Sentence by granting bail in SC No.05/2019 dt.22.09.2021 on the file of the Learned Principal Sessions Court, Ramanathapuram, Ramanathapuram District till the disposal of the Criminal Appeal.

PRAYER IN CRL.A(MD).425 of 2021:

Pleased to call for the records relating to the judgment dated 22.09.2021 made in S.C.No.5 of 2019 on the file of Principal Sessions Judge, Ramanthapuram and set aside the conviction and sentence imposed against the appellants/accused and allow above appeal acquitting the accused.

Order : This petition coming up for orders on this day, upon perusing the petition

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filed in support thereof and upon hearing the arguments of Mr.V.KATHIRVELU, Senior Advocate for M/S.PRABHU.K, Advocate for the petitioner and of Mr.A.THIRUVADIKUMAR on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by M.SUNDAR, J.)

Captioned 'Criminal Miscellaneous Petition' [hereinafter 'Crl.M.P' for the sake of brevity] has been filed with a prayer for suspension of sentence under Section 389(1) of 'The Code of Criminal Procedure, 1973 (2 of 1974)' [hereinafter 'Cr.P.C' for the sake of brevity and clarity].

2. Short facts are that on 28.07.2017, petitioner's Sammandhi one Thiru.Chandrasekaran was attacked while going for a walk with his son and he succumbed to injuries; that the petitioner's daughter is married to Thiru.Chandrasekaran's son one Abinesh; that there was marital discord and the two were living separately; that the prosecution theory which was believed by the trial Court is that there was pressure brought upon the deceased and his son for conveying a property in favour of petitioner and this is the motive behind the attack on 28.07.2017; that the trial Court [Principal Sessions Judge's Court, Ramanathapuram District] vide S.C.No.5 of 2019 in and by judgment and sentence dated 22.09.2021, believed the prosecution theory, convicted the petitioner [A1], life imprisonment sentences for offences under Sections 120(B), 302 read with Section 114 of the 'Indian Penal Code, 1860 (Act 45 of 1860)' [hereinafter 'IPC' for the sake of



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brevity] with Rs.1,000/- and Rs.10,000/- fine respectively with three years and one year simple imprisonment default clauses respectively were imposed; that the petitioner is serving sentences.

3. In the aforementioned circumstances, the petitioner has fallen ill. The petitioner had earlier moved this Court for interim bail on the ground of illness and another Coordinate Hon'ble Division Bench had granted interim bail in and by order dated 28.04.2022 vide CRL.MP(MD)No.5013 of 2022 in CRL.A(MD)No.425 of 2021. This interim bail was for 45 days and when the 45 day period elapsed, the petitioner surrendered.

4. Now, captioned petition for suspension of sentence under Section 389(1) of Cr.P.C has been moved again on same medical ground. A generic medical certificate dated 15.12.2023 issued by the Central Prison Hospital, Madurai, has been placed before us. A perusal of the generic medical certificate shows that the petitioner has been diagnosed with Lumbar disc disease / cervical disc disease and has been advised medications / support belts. Be that as it may, the most important aspect of the generic medical report is that the Senior Assistant Civil Surgeon of the Prison Hospital, Central Prison, Madurai, has opined / observed that the petitioner is unable to stand and walk without support even for ten minutes and has persistent complaints of headache. It has also been mentioned in the medical report that



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petitioner is under the management of Orthopaedicians in Government Rajaji Hospital, Madurai, and that a review is overdue. The generic medical certificate also concludes by saying that the condition of the patient has not improved and he is under analgesics.

5. Learned Prosecutor submits that there is no dispute about the aforementioned medical condition of the petitioner.

6. The petitioner has served about two years sentence and he is 60 years of age.

7. In the light of the undisputed illness and requirement for medical attention viewed in the context of interim bail granted earlier by another Hon'ble Coordinate Division Bench on the same ground, we make the following order:

(i) The sentence of the trial Court i.e., judgment and sentence dated 22.09.2021 in S.C.No.5 of 2019 on the file of Principal Sessions Court, Ramanathapuram District is suspended upto 31.03.2024 on conditions set out infra;

(ii) The petitioner shall deposit the fine amount before the trial Court, if not already deposited;

(iii) The petitioner shall execute a bond and furnish two



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sureties each for a like sum of Rs.25,000/- [Rupees Twenty Five Thousand only] to the satisfaction of the trial Court i.e., Principal Sessions Court, Ramanathapuram District. We make it clear that one of the sureties shall be a blood relative;

(iv) The petitioner shall stay at his residence in Ram Nagar, Ramanathapuram District, during the period of suspension;

(v) The petitioner shall sign before the trial Court i.e., Principal Sessions Court, Ramanathapuram District, on every Monday and Friday in the Forenoon;

(vi) The petitioner is desirous of taking Ayurvedic treatment at Kairali, Palakkad District, State of Kerala. If this be the case, the petitioner shall file a suitable memo in the trial Court indicating exact address of medical centre where Ayurvedic treatment is to be taken and the period of treatment. If such memo is filed, signing before the trial Court every Monday and Friday shall be dispensed with for the period of Ayurvedic treatment;

(vii) On 01.04.2024 petitioner shall turn himself and



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surrender in Central Prison, Madurai, by dusk i.e., by 05.30 p.m.

8. Captioned Crl.M.P is disposed of in the aforesaid manner acceding to the suspension of sentence prayer [suspension upto 31.03.2024] albeit with aforementioned conditions and directives.

sd/-
15/12/2023

/ TRUE COPY /

18/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

BALA
TO

1 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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



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+1 CC to M/s.K.PRABHU, Advocate (SR-17883[I] dated 18/12/2023)

ORDER
IN
CRL MP(MD) No.17375 of 2023
AND
CRL A(MD) No.425 of 2021
Date :15/12/2023

SA/SAR. /18.12.2023/7P/6C

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