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Crl.A.No.313 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.A.No.313 of 2024

and

C.M.P.No.4827 of 2024

Ramasamy

... Appellant

Vs.

The State rep. by
The Inspector of Police,
Nallur Police Station,
Crime No.809 of 2022

... Respondent

PRAYER: Criminal Appeal filed under Sections 380 of Criminal Procedure Code, to call for the records in S.C.No.25 of 2022 on the file of learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Namakkal and set aside the impugned judgment dated 07.02.2024 in S.C.No.25 of 2022 passed by the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Namakkal and allow this appeal filed by the appellant.

For Petitioner : Mr.I.Syed Sibghatulla

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



Crl.A.No.313 of 2024

WEB COPY

ORDER

This Criminal Appeal has been filed to call for the records in S.C.No.25 of 2022 on the file of learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Namakkal and set aside the impugned judgment dated 07.02.2024 in S.C.No.25 of 2022 passed by the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Namakkal.

2.The appellant/accused in S.C.No.25 of 2022 was convicted by the trial Court by judgment dated 07.02.2024 and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment for offence under Section 307 of I.P.C., against which, the present appeal along with suspension of sentence has been filed.



Crl.A.No.313 of 2024

WEB COPY

3.The petitioner and the de-facto complainant are residing opposite to each other. There is a cement road in between their houses. The petitioner used to drop sticks and garbage in front of the de-facto complainant's house, which she objected and there was some enmity brewing between them. On 22.12.2020 at about 3.00 p.m., the petitioner abused the de-facto complainant in public place using abusive words. Further with intention to murder her, poured kerosene on her and using a fireball with stick, set fire on her. The de-fact complainant/Devagi survived fire. Hence, a case under Section 294(b) and 307 I.P.C. registered.

4.During trial, PW1 to PW9 examined, Exs.P1 to P11 marked, M.O.1 to M.O.3 marked. On conclusion of the trial, the Trial Court on the evidence of witnesses and the materials produced had acquitted the petitioner for offence under Section 294(b) I.P.C. but he was found guilty and convicted for offence under Section 307 I.P.C. and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/-.



Crl.A.No.313 of 2024

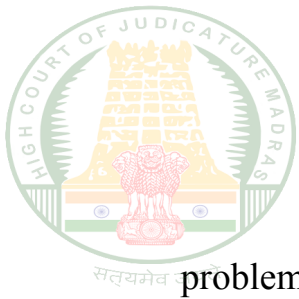
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5.Mr.I.Syed Sibghatulla, learned counsel has been appointed as

Legal Aid Counsel for the petitioner, who filed the appeal and suspension of sentence petition. He submitted that the petitioner is 80 years old. The said Devagi not examined as witness in this case. Further the injury is on the right upper hand, left wrist, both thighs and stomach but not on vital parts. She survived fire.

6.The learned Government Advocate (Crl. Side) submitted that the said Devagi survived fire, later died for other complications, for that reason she could not be examined as witness. As regards the eyewitnesses PW2 to PW4, they clearly deposed about the act of the petitioner. The trial Court considering all these aspect had rightly convicted the petitioner.

7.Today, the learned Government Advocate produced a letter of Superintendent of Central Prison, Coimbatore dated 21.04.2024 stating that the petitioner on 19.04.2024 started blood vomiting and he had some gastric



Crl.A.No.313 of 2024

WEB COPY

problem and he was immediately rushed in an Ambulance for emergency medical treatment to Coimbatore Medical College Hospital. He was admitted there, took treatment as inpatient, later on 21.04.2024, a message was received from the Doctor, Coimbatore Medical College Hospital that the petitioner passed away on 21.04.2024 at about 3.30 p.m. due to Aspiration Pneumonitis / Large Hiatus Hernia / Moderate TR / Severe PAH / Mild AR. He also produced the medical record and the prison register recording the death of the petitioner.

8.In view of the same, nothing survives in this appeal and the same is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

19.08.2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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WEB COPY



Crl.A.No.313 of 2024

M.NIRMAL KUMAR, J.

rsi

To

- 1.The Inspector of Police,
Nallur Police Station.
- 2.The Sessions Judge,
Magalir Neethimandram,
(Fast Track Mahila Court),
Namakkal.
- 3.The Public Prosecutor,
High Court, Madras.

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and

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