



Crl.M.P.No.9435 of 2024 in Crl.A.No.846 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.9435 of 2024
in Crl.A.No.846 of 2024

Govindaraji,
S/o.Subiramani

... Petitioner

Vs.

The State represented by
Inspector of Police,
Tirupattur Town Police Station,
Tirupattur District.
(Crime No.167/2016).

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) & 439 of Code of Criminal Procedure, to suspend the sentence imposed by the Assistant Sessions and Sub Court, Tirupattur in S.C.No.239 of 2018 dated 13.12.2023 and enlarge the petitioner/appellant on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.Premkumar for
M/s.Karan and Uday

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl. Side)



Crl.M.P.No.9435 of 2024 in Crl.A.No.846 of 2024

ORDER

WEB COPY

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in S.C.No.239 of 2018, dated 13.12.2023 by the learned Assistant Sessions Judge and Subordinate Court, Tirupattur, Vellore District and to enlarge the petitioner on bail pending disposal of the appeal.

2.The case of the prosecution is that the petitioner and the witnesses (PW1 & PW2) are neighbours; that on account of prior enmity, the petitioner had poured hydrochloric acid on PW1 and PW2, as a result of which, they sustained injuries.

3.The petitioner was convicted for offence under Sections 294(b) & 326(A) (2 counts) and Section 4 of The Tamil Nadu Prohibition of Harassment of Women Act and in respect of conviction under Section 294(b) of IPC, the petitioner was ordered to pay a fine of Rs.500/- and in default of payment of fine to undergo simple imprisonment for one month and in respect of the conviction under Section 326(A) (2 counts), the



petitioner was sentenced to undergo ten years Rigorous Imprisonment for each count and was ordered to pay a fine of Rs.5,000/- for each count and in default of payment of fine to undergo simple imprisonment for two years and in respect of the conviction 4 of the Tamil Nadu Prohibition of Harassment of Women Act, the petitioner was sentenced to undergo three years Rigorous Imprisonment and was ordered to pay a fine of Rs.10,000/- and in default of payment of fine to undergo simple imprisonment for one year *vide* judgment, dated 13.12.2023 made in S.C.No.239 of 2018.

4.Heard Mr.Premkumar for M/s.Karan and Uday, learned counsel for the petitioner and Dr.C.E.Pratap, learned Government Advocate (Crl. Side) appearing for the respondent/State.

5.The learned counsel for the petitioner would submit that the petitioner was originally prosecuted for the offence under Sections 307, 294(b) and 326(A) (2 counts) of IPC; and that on the basis of the evidence, the petitioner was acquitted for the offence under Section 307 IPC and convicted for offence the under Sections 294(b), 326(A) (2 counts) and



Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. He would further submit that the evidence of the Doctor would show that both the witnesses (PW1 & PW2) had sustained simple hurt; that the evidence and the statements of the witnesses (PW1 and PW2) are that a lady and a man had poured hydrochloric acid; and that the case of the prosecution is that only the petitioner had poured the hydrochloric acid which is improbable. He would further submit that the petitioner is in custody from 13.12.2023; and that he prayed for suspension of sentence.

6.The learned Government Advocate (Crl. Side) *per contra* would submit that the prosecution had established its case beyond reasonable doubt; that since the hydrochloric acid was poured all over the body of the witnesses, the trial Court had rightly convicted the petitioner for offence under Sections 326(A) (2 counts); and that the petitioner, therefore, has not made any ground for suspension of sentence.

7.Taking into consideration the evidence of the Doctor PW6 that the injuries sustained by the witnesses (PW1 and PW2) are simple in nature;



that the witnesses (PW1 and PW2) had stated before the Doctor that two persons had thrown the hydrochloric acid and that only the petitioner has been prosecuted; that there are several arguable points in the appeal which requires consideration; and that the petitioner is in custody from 13.12.2023, this Court is inclined to grant the relief of suspension of sentence.

8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the learned Assistant Sessions Judge and Subordinate Court, Tirupattur, Vellore District;

(ii) The petitioner and 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 and mobile numbers to ensure their identity; and



Crl.M.P.No.9435 of 2024 in Crl.A.No.846 of 2024

(iii)The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders 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.

22.11.2024

vv2

To

- 1.The Assistant Sessions Judge and Subordinate Court,
Tirupattur, Vellore District.
- 2.The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur District.
- 3.The Central Prison,
Vellore.
- 4.The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.M.P.No.9435 of 2024 in Crl.A.No.846 of 2024

SUNDER MOHAN, J.

vv2

Crl.M.P.No.9435 of 2024
in Crl.A.No.846 of 2024

22.11.2024