



Crl.MP.No.10455 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.10455 of 2024 in Crl.A.No.952 of 2024

Murali

...Petitioner / Appellant

Versus

The State rep. by
The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.
Crime No.213 of 2017.

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., pleased to suspend the execution of the sentence dated 16.11.2023 passed in S.C.No.153 of 2018 against the petitioner/appellant by the Additional District and Sessions Judge, Dharmapuri.

For Petitioner : Mrs.Rajeswari Karthikeyan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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Crl.MP.No.10455 of 2024

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J]

This criminal miscellaneous petition has been filed seeking to suspend the execution of the sentence dated 16.11.2023 passed in S.C.No.153 of 2018 against the petitioner/appellant by the Additional District and Sessions Judge, Dharmapuri.

2.The petitioner in the above Sessions Case, was found guilty of the offence under Section 302 IPC and convicted under Section 235(2) of Cr.P.C and sentenced to undergo a imprisonment for life and pay a fine of Rs.5000/-, in default to undergo 2 years rigorous imprisonment and found guilty of the offence under Section 307 IPC and convicted under Section 235(2) of Cr.P.C and sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.5000/- and in default to undergo rigorous imprisonment for one year and found guilty for the offences under Section 309 IPC and convicted under Section 235(2) of Cr.P.C and sentenced to undergo simple imprisonment for one year in S.C.No.153 of 2018 dated



Crl.MP.No.10455 of 2024

WEB COPY

3. Aggrieved against the judgement of conviction and sentence imposed on the petitioner by the trial Court in S.C.No.153 of 2018, the petitioner has filed the present criminal appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the impugned judgment and the materials on record.

5. The appellant administered poison to his two sons and consumed himself. He and his one son survived and another son died. The appellant and his two sons made to consume poison due to alleged immoral act of the wife of the appellant. Considering the facts and circumstances, we are inclined to grant suspension of sentence to the accused.

6. Accordingly, this criminal miscellaneous petition stands **allowed**



Crl.MP.No.10455 of 2024

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and the sentence of imprisonment is **suspended** and the sentence imposed on the petitioner is suspended on the following conditions:

(i)The petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court at Pappireddipatti.

(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

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

[S.M.S., J.]

[V.S.G.,
J.]

23.10.2024

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Crl.MP.No.10455 of 2024

To

- 1.The Judicial Magistrate, Pappireddipatti.
- 2.The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.
- 3.The Superintendent, Central Prison, Vellore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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Crl.MP.No.10455 of 2024

S.M.SUBRAMANIAM, J.
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Crl.MP.No.10455 of 2024

23.10.2024