



Crl.MP.No.12592/2023 in Crl.A.No.885/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.02.2024

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.MP.No.12592/2023 in Crl.A.No.885/2023

N.Ananthan

.. Petitioner

Versus

State by
The Inspector of Police,
Cheyyar Police Station,
Tiruvanamalai District
Cr.No.357 of 2021

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] & [2] of Cr.P.C., to suspend the sentence of life imprisonment passed on 17.07.2023 in S.C.No.84 of 2022 by the Additional District and Sessions Judge, Arani, and enlarge the petitioner/appellant on bail, till the disposal of the appeal.



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For Petitioner : Mr.S.Anil Sandeep

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by
Mr.C.Aravind

ORDER

[Order of the Court was made by SUNDER MOHAN, J]

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement and order dated 17.07.2023 passed in S.C.No.84 of 2022 on the file of the learned Additional District and Sessions Judge, Arani and to enlarge the petitioner on bail pending disposal of the appeal.

2. It is the case of the prosecution that the petitioner is the son of the deceased. There was a property dispute between the petitioner's brother one Sethu and his father, the deceased on the one hand and the petitioner on the other hand; and that the petitioner had abused his brother's wife, that the petitioner's father went to the house of the petitioner to question about his



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conduct on 25.05.2021 at about 8.00 p.m., and a wordy quarrel arose between the petitioner and his father (deceased), in which the petitioner said to have slapped the deceased. As a result of which, the deceased fell down and sustained head injuries and succumbed due to it.

3. Heard the learned counsel for the petitioner and Mr.E.Raj Thilak, the learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner had no intention to cause the death of the deceased. What had happened is that the deceased had gone to the petitioner's house and provoked him; and that in any case, the petitioner could not be charged with the offence under Section 302 IPC.

5. Learned Additional Public Prosecutor, per contra, submitted that the prosecution had established this case beyond reasonable doubts by examining eye witnesses. He stated that the medical evidence would show that the deceased died due to the act of the petitioner.



6. We have carefully considered the rival submissions and perused the records.

7. Admittedly, the deceased went to the house of the petitioner on the date of occurrence and there was a wordy quarrel between the petitioner and the deceased. The petitioner had slapped the deceased, as a result of which, the deceased fell down and succumbed due to injuries suffered by him. Even if the prosecution case is accepted to be true, it is doubtful if the offence under Section 302 IPC would be made out. A lesser offence only would be made out.

8. Considering the above facts, and the fact that the petitioner is in custody from 17.07.2023, and the appeal is not likely to be taken up in the near future, we are inclined to grant the relief of suspension of sentence to the petitioner herein.

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



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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, Cheyyar;
- (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 weekly twice i.e., on every Monday and Thursday 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.

[M.S.R.,J.] [S.M.,J.]
28.02.2024

Anu
Issue order copy by 29 .02.2024



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M.S.RAMESH, J

and

SUNDER MOHAN, J

Anu

To

1.The Additional District and Sessions Judge, Arani

2.The Inspector of Police,
Cheyyar Police Station,
Tiruvanamalai District

3.The Superintendent of Prison,
Central Prison, Vellore.

4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

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