



CRL MP(MD) No.1512 of 2024

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

Thursday, the First day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA  
and  
The Hon`ble Mr.Justice K. RAJASEKAR

CRL MP(MD) No.1512 of 2024  
in  
CRL A(MD) No.103 of 2024

1 BOSE @ PALANICHAMY

2 RAJKUMAR

... Petitioners / Appellants

Vs

THE INSPECTOR OF POLICE  
NATHAM POLICE STATION,  
DINDIGUL DISTRICT.  
(CRIME NO.395 OF 2019.)

... Respondent / Complainant

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on us in the above SC.No.97 of 2020 on the file of Learned Additional District and Sessions Judge,Dindigul dt.4.8.2023 and release the Petitioners on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.103 of 2024:

To call for the records and to set aside the judgment and conviction passed by the learned Additional District and Sessions Judge, Dindigul District in S.C.No.97 of 2020 dated 04.08.2023 and acquit the appellant herein.



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Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.S.SARVAGAN PRABHU, Advocate for the petitioners and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present petition is filed by the appellants/ A1 and A2 seeking to suspend the sentence imposed on them by the learned Additional District and Sessions Judge, Dindigul in S.C.No.97 of 2020 dated 04.08.2023.

2. The petitioners/accused are convicted and sentenced by the Trial Court as follows:

| Accused   | Section of law | Sentence of Imprisonment | Fine amount                                                         |
|-----------|----------------|--------------------------|---------------------------------------------------------------------|
| A1 and A2 | 302 IPC        | Life imprisonment        | Rs.10,000/- each in default to undergo 3 months simple imprisonment |
| A1 to A5  | 294(b) IPC     | -                        | Rs.1000/- in default to undergo 1 month simple imprisonment         |
| A5        | 323 IPC        | -                        | Rs.1000/- in default to undergo 1 month simple imprisonment         |

A1 to A5 were acquitted of the charges under Section 506(i) IPC and A3 and A4



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were acquitted of the charge under Section 324 IPC. The period of incarceration already undergone by the accused was ordered to be set off under Section 428 Cr.P.C.

3. The case of the prosecution is that the deceased Chinnalagu is the husband of P.W.1 and father of P.W.2 and P.W.3. P.W.3 Sangeetha was married to the son of A4 and A5 some years ago. Due to some misunderstanding with her mother-in-law A5, P.W.3 Sangeetha came down to her parents house and was staying there. While so, A5 had visited the house of P.W.1 and took her grandson a week before the occurrence. Later, on 18.06.2019 at about 8.00 AM, A5 had brought the grandson along with her to the village and on seeing him, P.W.3 had taken her son. This had infuriated A5 and she had quarreled with P.W.3 and had abused her. This incident was reported by P.W.3 to her parents. When her father/the deceased Chinnalagu and P.W.2 Saravanakumar had gone to the house of A5 along with P.W.3 and questioned the same, the accused A1 to A5 had scolded them in filthy language and quarrelled with them. At that time, A1 and A2 had attacked the deceased Chinnalagu with wooden clubs on the back of his head and had caused injuries. When P.W.2 intervened, A3 and A4 had attacked him with wooden clubs on his body and A5 had pulled P.W.3 by her hair, pushed her down on the ground and had assaulted her with hands and legs. Thereafter, the accused had run away from



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the scene. The deceased was taken to Natham Hospital and was referred to Government Hospital, Madurai and he died on 19.06.2019 while undergoing treatment. Hence, the accused have committed the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(i) IPC.

4. The learned counsel for the petitioners/A1 and A2 would submit that petitioners and the deceased are relatives and even as per the prosecution, the incident is said to have happened during a family quarrel and the weapon alleged to be used is a wooden log. He would further submit that the petitioners were on bail during trial and they have not misused the liberty granted to them. The learned counsel would also submit that the petitioners are in custody from the date of conviction and hence, he seeks for indulgence of this Court.

5. The respondent has filed a counter.

6. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the deceased are relatives and there was a quarrel in the morning at 08.00 AM on the day of the occurrence, which continued into altercation, during which time, the accused had abused the deceased with filthy language and also assaulted him with wooden logs resulting in him sustaining injuries in the head and died. The Trial Court had rightly appreciated the evidence placed on record and convicted the accused. Hence, he would object for grant of



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suspension of sentence.

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7. Heard the learned counsels on both sides and perused the materials available on record.

8. Having gone through the records, we find that it is a fit case for grant of suspension of sentence. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also taking into consideration the facts and circumstances of the case, we are inclined to suspend the sentence imposed on the petitioners by the Trial Court pending the Appeal.

9. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioners/ A1 and A2 is suspended, subject to the following conditions:

i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Natham, Dindigul District.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Committal Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.



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iii. The petitioners shall stay at Kovilpatti and report before the Inspector of Police, Kovilpatti East Police Station, daily at 10.30 AM until further orders.

iv. It is made clear that the petitioners shall not enter the jurisdictional limits of the respondent Police Station until further orders.

sd/-  
01/08/2024

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02/08/2024  
Sub-Assistant Registrar  
(C.S.I /II /III /IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

LM

To

1.The Additional District and Sessions Judge,  
Dindigul District.

2.The Judicial Magistrate,  
Natham, Dindigul District.

3.Do through the Chief Judicial Magistrate,  
Dindigul District.

4.The Inspector of Police,  
Natham Police Station,  
Dindigul District.

5.The Superintendent,  
Central Prison, Madurai.



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6.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,  
Kovilpatti East Police Station,  
Kovilpatti.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate ( SR-9251[I] dated 01/08/2024 )

ORDER  
IN  
CRL MP(MD) No.1512 of 2024  
in  
CRL A(MD) No.103 of 2024  
Date :01/08/2024

ED/ /SAR- (02/08/2024) 7P / 9C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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