



Crl.R.C.(MD)No.66 of 2024

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Dated : 29.01.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Crl.R.C.(MD)No.66 of 2024**

Jegaeesh @ Arokia Jegatheesh

.. Petitioner/Petitioner/  
Appellant/Accused

Vs.

The State,  
rep. by The Inspector of Police,  
Anjugramam Police Station,  
Anjugramam,  
Kanyakumari District.

... Respondent

**PRAYER :** Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order passed in Crl.M.P.No.307 of 2024 in C.A.No.11 of 2024 dated 19.01.2024 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil and set aside release the petitioner on bail forthwith.



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For Petitioner : Mr. S.Palani Velayutham

For Respondent : Mr.A.Thiruvadi Kumar,  
Additional Public Prosecutor

### **ORDER**

Challenging the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.307 of 2024 in C.A.No.11 of 2024 dated 19.01.2024, the present Criminal Revision has been filed by the petitioner to release him on bail, pending trial.

2. The case of the petitioner is that the petitioner is arrayed as A3 in S.C.No.76 of 2014 on the file of the learned Assistant Sessions Judge, Nagercoil. The trial Court, by judgment, dated 04.01.2014 convicted the petitioner for the offence under Sections 148, 307 and 120(b) r/w 307 IPC and sentenced him to undergo simple imprisonment for one year for the offence under Section 148 IPC; to undergo simple imprisonment of seven years and to pay a fine of Rs. 1,000/-, in default, to undergo simple imprisonment for three months



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for the offence under Section 307 IPC and to undergo simple imprisonment for seven years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for three months for the offence under Section 120(b) r/w 307 IPC. Aggrieved over the same, the petitioner/A3 filed an appeal in C.A.No.11 of 2024 before the learned Principal Sessions Judge, Kanyakumari District @ Nagercoil along with the suspension of sentence petition in Crl.M.P.No.307 of 2024. The learned Principal Sessions Judge, Kanyakumari District @ Nagercoil, vide order, dated 19.01.2024 dismissed the said suspension sentence petition against which the present Criminal Revision Case has been filed by the petitioner.

3. The learned counsel for the petitioner submitted that the victim in the present case was subsequently murdered by the co-accused, who are arrayed as A4, A5 and A7 for which FIR was registered in Crime No.468 of 2011 and the case taken on file in S.C.No.29 of 2013 on the file of the Fast Track Mahila Court, Nagercoil and in that case trial is yet to be commenced. He further submitted that the petitioner was not



involved in that case, but the trial Court observed that in this case, the petitioner was convicted for the offence under Sections 148, 307 IPC and 307 r/w 120(b) IPC and hence, the trial Court dismissed the petitioner's application filed for suspension of sentence, which is not sustainable one. The learned counsel also submitted that the petitioner was suffered from kidney failure and consequently, underwent kidney transplantation operation and the said fact was not taken into consideration by the trial Court and it appears that the appeal will take much time for disposal and there is no possibility of the disposal immediately. Accordingly, he prayed for suspension of sentence pending appeal before the lower Appellate Court by way of filing this revision before this Court.

4. The learned Additional Public Prosecutor submitted that the matter was dismissed on the ground that since the witnesses in the petitioner's case and the co-accused's case are one and the same, if the petitioner is released on bail, it may lead to fear in the minds of the witnesses besides making them prone for threat by the petitioner and



hence, he objected to grant suspension of sentence to the petitioner.

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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Though the petitioner and other accused intended to commit murder of the victim, however, subsequently, the co-accused murdered the victim pending the criminal appeal before the trial Court for adjudication. The subsequent murder case was elaborately discussed while dealing with the suspension of sentence petition filed along with the criminal appeal and the trial Court found that if the petitioner is enlarged on bail, the witnesses, who arrayed in the subsequent murder case would not come forward to give evidence and there may be a chance of life threat to them, thereby, the lower Appellate Court refused to grant suspension of sentence. This Court finds no error in that order and this Court is not inclined to interfere with the order impugned in this revision.



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7. In the result, this Criminal Revision Case is dismissed.

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Index : Yes / No

Internet : Yes / No

NCC : Yes / No

PJL



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To

1. The Principal Sessions Judge,  
Kanyakumari District at Nagercoil.
2. The Inspector of Police,  
Anjugramam Police Station,  
Anjugramam,  
Kanyakumari District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.DHANDAPANI, J.**

PJL

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