



CRL MP(MD) No.1256 of 2024

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

Wednesday, the Thirty First day of July 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.1256 of 2024
in
CRL A(MD) No.168 of 2023

1 MANICKAM
2 KARTHIKEYAN
3 VELUCHAMY
4 SELVARAJ

... PETITIONERS/APPELLANTS

Vs

THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.
CRIME NO.12 OF 2020

... RESPONDENT/RESPONDENT

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 by the Learned Principal Sessions Court/District Court,Karur in SC.No.2 of 2021 dt.20.1.2023 and enlarge the Petitioners/Accused No.1 to 4 on bail,till the disposal of the Criminal Appeal.

Prayer in CRL A(MD) No.168 of 2023 :

To admit this appeal on file and call for the records from the Lower Court and set aside the Judgment passed by the Learned Principal Sessions Court / District Court, Karur in S.C.No.2 of 2021 dated 20.01.2023, by allowing this appeal.



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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 MR.K.P.S.PALANIVEL RAJAN, Senior Counsel for MR.S.VINAYAK, 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 to A4 seeking to suspend the sentence imposed on them by the Principal Sessions Court/District Court, Karur in S.C.No.2 of 2021 dated 20.01.2023.

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

Accused	Section of law	Sentence of Imprisonment	Fine amount
A1 to A4	148 IPC	6 months simple imprisonment	Rs.1000/- each in default to undergo 1 month simple imprisonment
A1 to A5	302 r/w 149 IPC	Life imprisonment	Rs.2,000/- each in default to undergo 6 months simple imprisonment
A5	147 IPC	3 months simple imprisonment	Rs.500/- in default to undergo 15 days simple imprisonment
	294(b) IPC	1 month simple imprisonment	-

Sentences were ordered to run concurrently and the period of incarceration already undergone by the accused was ordered to be set off under Section 428 Cr.P.C.

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3. The case of the prosecution is that A1 Manickam is the paternal uncle of the deceased Senthilkumar. A2 Karthikeyan is the son and A5 Selvi is the wife of A1. A3 and A4 are brothers-in-law of A1. A1, A2 and A5 were residing near the house of the deceased in Kuppanampatti. Due to property dispute, there was previous enmity between the family of the deceased and the accused, due to which, the deceased had frequently quarrelled with the family of the accused. While so, on 11.01.2020 at about 11.00 AM, P.W.6, the mother of the deceased Senthilkumar, had wordy quarrel with A5 in front of her house. Thereafter, at 17.30 hours, all the accused unlawfully assembled with wooden log and stones in front of the house of the deceased and when the deceased came there and questioned A5 about the quarrel with his mother (P.W.6), A5 abused him in filthy language. A1 had attacked the deceased with a wooden log on the backside of his head and when the deceased fell down, A2 attacked the deceased on the left side of his forehead, A3 attacked the deceased on his right side chin and A4 attacked the deceased on the right side of his head, by using stones and thereafter, the accused persons fled away. The deceased Senthilkumar was taken to Kulithalai Government Hospital for first aid and thereafter, shifted to Trichy Government Hospital and he died on 14.01.2020 at 11.00 AM while undergoing treatment in the hospital. Hence, final report was filed for the offences under Sections 148 and 302 IPC against A1 to A4 and for the offences under Sections 147, 294(b), 302



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r/w 149 IPC against A5.

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4. The learned counsel for the petitioners/A1 to A4 would submit that as per the case of the prosecution, the deceased and the accused are relatives and the occurrence had taken place during a quarrel, which developed into altercation between the relatives on account of a property dispute. In this case, A5 Selvi was also injured and there is no explanation by the prosecution as regards the injuries sustained by A5, whereas, the Trial Court had rejected the same stating that the injuries are simple in nature. He would further submit that there is absolutely no intention on the part of the petitioners to cause the death of the deceased and the occurrence had taken place only during a sudden fight. He would also submit that the petitioners do not have any bad antecedents and they 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 accused have joined together and assaulted the deceased. A1 had assaulted the deceased with a wooden log and A2 had assaulted the deceased with a stone. A3 and A4 have also assaulted the deceased with stones, resulting him



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in sustaining grievous injuries and died. The Trial Court had rightly appreciated the evidence placed on record and convicted the accused. Hence, he would object for grant of suspension of sentence.

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

8. As per the case of the prosecution, the petitioners and the deceased are relatives and there was a quarrel between them on account of a property dispute and during such time, the petitioners are said to have assaulted the deceased with wooden log and stones. Taking into consideration the facts and circumstances of the case and that there are several 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 considering the period of incarceration, 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 to A4 is suspended, subject to the following conditions:

i. The petitioners/A1 to A4 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



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the learned Judicial Magistrate No.II, Kulithalai.

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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.

iii. The petitioners/A1 to A4 shall stay at Virudhunagar and report before the Inspector of Police, Virudhunagar Town Police Station daily at 10.30 a.m. until further orders.

sd/-

31/07/2024

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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.

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TO

1 THE PRINCIPAL SESSIONS JUDGE / DISTRICT JUDGE, KARUR.

2 THE JUDICIAL MAGISTRATE NO.II, KULITHALAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

4 THE INSPECTOR OF POLICE, KULITHALAI POLICE STATION,
KARUR DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE INSPECTOR OF POLICE, VIRUDHUNAGAR TOWN POLICE STATION,
VIRUDHUNAGAR.

+1 CC to M/s.S.VINAYAK, Advocate (SR-9182[I] dated 01/08/2024)

ORDER

IN

CRL MP(MD) No.1256 of 2024

in

CRL A(MD) No.168 of 2023

Date :31/07/2024

RS//SAR-(02.08.2024) 7P 9C

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