



CRL MP(MD) No.1260 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Fourth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1260 of 2024
in
CRL A(MD)No.56 of 2024

1 RANJITH

2 SIRANJEEVI @ CHINNA AZHAGURAJA, ... PETITIONERS/ APPELLANTS

Vs

THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
PERIYAKULAM,
THENI DISTRICT.

... 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 on the petitioners in SC.No.41/2020 on the file of the learned Mahalir Fast Track Court(Additional District Judge(FTC)/Sessions Judge (FACT), Theni, by judgment dated 20.12.2023 in SC.No.41/2020 sentencing the 1st petitioner under Sec.307 IPC for an imprisonment of 10 years Rigorous Imprisonment, imposing a fine amount of Rs.10,000/-, in default to pay fine amount, undergo one month simple imprisonment, sentencing the 2nd petitioner herein under Secs.323 & 506(i) IPC to undergo one year simple imprisonment to run concurrently, pending disposal of the above criminal appeal.

PRAYER in CRL A(MD)56 of 2024:

To call for the records set aside the Judgment of Conviction dated 20.12.2023 passed by the learned Mahalir Fast Track Court, (Additional District Judge(FTC)/ Sessions Judge(FACT), Theni, convicting and sentencing the petitioners herein made in SC on its file.



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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.APPADURAI, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

The petitioners have filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against them by the learned Fast Track Mahila Court (Additional District Judge (FTC)/Sessions Judge (FACT), Theni in S.C.No.41 of 2020 dated 20.12.2023 and to enlarge them on bail, pending disposal of the Criminal Appeal.

2. The case of the prosecution is that when P.W.1 and her husband/P.W.2 were in their electrical shop, Vairamuthu, who is arrayed as A1, was riding his bike very fast and when it was asked by P.W.2, within half an hour, the said Vairamuthu along with his son 1st petitioner/A2, 2nd petitioner/A3 and other accused alleged to have come to their shop and made an attempt to stab on the neck of P.W.2 with the iron rod and when P.W.1 tried to save her husband, the first petitioner herein alleged to have slapped her and assaulted her husband with the said iron rod. It is also alleged that the second petitioner/A3 has thrown a stone on the hip of P.W.2. Both P.W.1 and P.W.2 were admitted to the Government Hospital,



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Theni, by P.W4 to P.W.6. Based on a complaint given by P.W.1, the respondent police have registered FIR against the petitioners in Crime No.246 of 2019 for the offences punishable under Sections 294(b), 341, 323, 324, 307 and 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022 and the same was taken on file in S.C.No.41 of 2020 before the learned Fast Track Mahila Court (Additional District Judge (FTC)/Sessions Judge (FACT), Theni. The first petitioner was convicted and sentenced to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.10,000/- with one month Simple Imprisonment, in case of default for the offence under Section 307 of IPC. The second petitioner was convicted and sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.10,000/- with one month Simple Imprisonment, in case of default for the offence under Section 323 of IPC. He was also sentenced to undergo one year Simple Imprisonment for the offence under Section 506(i) of IPC. The trial Court ordered the sentences to run concurrently. Challenging the above said conviction and sentence, the petitioners have preferred the present appeal along with this criminal miscellaneous petition seeking suspension of sentence.

3. Learned counsel for the petitioners submitted that the prosecution has failed to produce any ocular evidence to prove the case beyond any reasonable



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doubt and the trial Court failed to appreciate that in cross-examination, the deposition of prosecution witnesses was totally in contradiction with the whole case of the prosecution. The injury alleged to have sustained by P.W.2 was below the knee, however, the medical report establishes the fact that there was only a fracture in the joint of hip bone, that too not caused by any iron rod as alleged by the prosecution. Learned counsel submitted that due to prevailing communal disharmony between two communities, the entire case of the prosecution is motivated and invented to wreck personal vengeance and therefore, if the petitioners are released on bail, they are ready to abide any conditions imposed by this Court and thereby, he prayed for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that during the trial process, on the side of the prosecution, 15 witnesses were examined, 9 documents and one material object was also marked. On the side of the accused, no material object was marked. It is the case where the prosecution has proved the case beyond any reasonable doubt and that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.



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5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

6. Considering the arguable points involved in the appeal and the facts and circumstance of the case, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Fast Track Mahila Court (Additional District Judge (FTC)/Sessions Judge (FACT), Theni, in S.C.No.41 of 2020 dated 20.12.2023 alone is suspended, subject to the following stringent conditions:-

i) The petitioners shall execute a bond each for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Periyakulam;

ii) 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 to ensure their identity;



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iii) The petitioners shall appear before the concerned Court daily at 10.30 a.m. and 5.30 p.m., till the disposal of the appeal.

iv) The petitioners shall furnish their residential address and mobile number to the concerned Court ie., learned Judicial Magistrate, Periyakulam.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
04/03/2024

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06/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

TO

- 1 THE ADDITIONAL DISTRICT JUDGE(FTC)/
SESSIONS JUDGE(FACT),
MAHALIR FAST TRACK COURT, THENI.
- 2 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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4 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
PERIYAKULAM,
THENI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.K.APPADURAI, Advocate (SR-2676[I] dated 04/03/2024)

ORDER
IN
CRL MP(MD) No.1260 of 2024
in
CRL A(MD)No.56 of 2024
Date :04/03/2024

SS/SAR- /06/03/2024/7P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023