



CRL MP(MD) No.1861 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1861 of 2024

in

CRL A(MD)No. 104 of 2024

MURUGAVEL @ MURUGAN

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.149 OF 2018.

... 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 Additional District and Sessions Court, Srivilliputtur, Virudhunagar District in SC.No.89 of 2018 on 24.1.2024 and release the Petitioner on bail pending disposal of Criminal Appeal.

PRAYER IN CRL A(MD)No. 104 of 2024:

To call for records and set aside the conviction and sentence imposed by the



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Additional District and Sessions Court, Srivilliputhur, Virudhunagar District in S.C.No. 89/2018 on 24.01.2024 and allow this Criminal Appeal.

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.M.JOTHI BASU, Advocate for the petitioner and of MR.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in S.C.No.89 of 2018 dated 24.01.2024 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner and other accused in Crime No.149 of 2018 on the file of the respondent Police, for the offences punishable under Sections 302 IPC and the same was taken on file in S.C.No.89 of 2018 before the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District. The trial Court convicted the petitioner/ A2 for the offence under Section 304(ii) r/w 34 IPC and sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.1000/- in



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default, to undergo two months simple imprisonment. Challenging the above said conviction, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence. Learned counsel for the petitioner further submitted that the accused has no intention to kill the deceased, but based on the evidence of P.W3 and P.W4 alone, the trial Court had imposed the conviction and sentence upon the accused. Accordingly, the trial Court has failed to appreciate all the evidence in proper perspective. He further submitted that there are some arguable points involved in the criminal appeal and hence, he prays for suspension of sentence.

3. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor has no serious objection to suspend the sentence as against the petitioner.

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

5. As rightly contended by the learned counsel for the petitioner that there are some arguable points involved in the criminal appeal and also considering the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Appeal.



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6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in S.C.No.89 of 2018 dated 24.01.2024 alone is suspended subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District.

ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iii) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District.



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

sd/-
27/02/2024

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05/03/2024
Sub-Assistant Registrar (PA-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PJL

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE THIRUTHANGAL POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2420[I] dated 27/02/2024)

ORDER
IN
CRL MP(MD) No.1861 of 2024
in
CRL A(MD)No. 104 of 2024
Date :27/02/2024

PKP/SAR /05.03.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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