



CRL MP(MD) No.3329 of 2024

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

Friday, the Fifth 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.3329 of 2024
in
CRL A(MD) No.235 of 2024

RAJA @ RAJASEKARAN

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
THIRUPPANANDAL POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 61/2019)

... 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 execution of sentence imposed on the petitioner / Appellant by the order of the learned Additional Sessions Judge / Fast Track Court, Kumbakonam in S.C No. 74 of 2019 dt. 19.02.2024 pending disposal of the above appeal.

Prayer in CRL A(MD) No.235 of 2024:

To call for the records and set aside the order of conviction and sentence passed by the learned Additional Sessions Judge / Fast Track Court, Kumbakonam in S.C.No.74 of 2019 dated 19.01.2024 and acquit the appellant.

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



CRL MP(MD) No.3329 of 2024

of M/s.N.DILIPKUMAR, Advocate for the petitioner and of 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.]

Seeking to suspend the sentence imposed on the petitioner by the learned Additional Sessions Judge, Fast Track Court, Kumbakonam, vide Judgment dated 19.01.2024 in S.C.No.74 of 2019, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
324 I.P.C. (3 counts)	To undergo three years imprisonment for each count	Rs.1000/-, in default to undergo six months simple imprisonment for each count
302 I.P.C.	To undergo life imprisonment	Rs.5000/-, in default to undergo one year simple imprisonment

3. The case of the prosecution is that on 31.03.2019 at about 04.30 p.m., while the deceased was playing along with his friends, the petitioner had scolded the deceased with filthy language, damaged his motorbike and attacked him with Aruval indiscriminately, thereby he died.

4. Learned counsel for the petitioner would submit that even as per the prosecution case, the alleged occurrence is said to have taken place during a quarrel



CRL MP(MD) No.3329 of 2024

and fight and there was no premeditation on the part of the petitioner. Except P.W.2, all the other witnesses have not supported the prosecution case and there are also self-contradictions in the evidence of P.W.2. Further, there are several arguable points in favour of the petitioner and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.

5. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that though the occurrence is stated to be a chance occurrence, there was a previous motive on the part of the petitioner, thereby, he would object for grant of suspension of sentence to the petitioner.

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

7. Having gone through the records and taking into consideration the facts and circumstances of the case, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

- i. The petitioner is directed to be enlarged on bail on executing a



CRL MP(MD) No.3329 of 2024

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bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Additional Sessions Judge, Fast Track Court, Kumbakonam.

- 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 passbook to ensure their identity.
- iii. The petitioner shall appear before the learned Additional Sessions Judge, Fast Track Court, Kumbakonam at 10.30 a.m., on the first working day of every calender month, until further orders.

sd/-
05/07/2024

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08/07/2024

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

KRK

To

1.The Additional Sessions Judge,
Fast Track Court, Kumbakonam.



CRL MP(MD) No.3329 of 2024

2.The Inspector of Police,
Thiruppanandal Police Station,
Thanjavur District.

3.The Superintendent,
Central Prison,
Trichy.

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

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-7541[I] dated 05/07/2024)

ORDER
IN
CRL MP(MD) No.3329 of 2024
in
CRL A(MD) No.235 of 2024
Date :05/07/2024

ED/ /SAR- (08/07/2024) 5P / 6C

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