



CRL MP(MD) No.3851 of 2024

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

Thursday, the Twenty Fifth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.3851 of 2024

in

CRL A(MD) No.915 of 2023

1 KARTHIK

2 ELANGO VAN

... PETITIONERS/ APPELLANTS 3 & 4

Vs

THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION
THANJAVUR DISTRICT
CR NO.36/2020.

... 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 in the judgment of conviction and sentence dt.11.09.2023 in SC No.89/2020 on the file of the Learned Additional District and Sessions Judge (Fast Track Court) Kumbakonam and enlarge the petitioners / Appellants on bail pending above Criminal Appeal.

Prayer in CRL.A(MD).915/2023:

Pleased to call for the records and set aside the against the Judgment of conviction and sentence dated 11.09.2023 in S.C.No.89 of 2020 on the file of the learned Additional District and Sessions Judge (Fast Track Court) Kumbakonam.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon

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perusing the petition filed in support thereof and upon hearing the arguments of Mr.V.R.SHANMUGANATHAN, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioners by the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, in S.C.No.89 of 2020, dated 11.09.2023.

2. The case of the prosecution is that on 11.02.2020, when the P.W.1 and his maternal uncle were engaged in the process of harvesting in the lands of one Anjammal, the petitioners have interfered into the said process and due to that, there was wordy quarrel arose between them. Subsequently, the petitioners and other accused followed the P.W.1 and his maternal uncle, they attacked P.W.1 and when the P.W.1's maternal uncle tried to prevent the attack on P.W.1, he was attacked indiscriminately by all the accused and they threatened to kill them. Thereafter, the P.W.1's maternal uncle was taken to the hospital, where, he was declared brought dead.

3. On the basis of the complaint lodged by P.W.1, a case came to be registered in Crime No.36 of 2020 for the offences under Sections 147, 341, 323, 294(b), 506(i) and 302 of IPC.

4. The respondent Police, after completing the investigation, has laid a final



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report and the same was taken on file in P.R.C.No.6 of 2020, on the file of the learned Judicial Magistrate, Thiruvudaimaruthur and after committal, it was pending as S.C.No.89 of 2020 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam.

5. During trial, the prosecution has examined 20 witnesses as P.W.1 to P.W.20 and exhibited 12 documents as Ex.P.1 to Ex.P.12. On the side of the accused, D.W.1 was examined and one document was marked as Ex.D.1.

6. The learned District Sessions Judge (Fast Track Court), Kumbakonam, has passed the judgment in S.C.No.89 of 2020, dated 11.09.2023 and convicted the petitioners/accused for the offence under Section 147 of IPC and sentenced them to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- each, in default, to undergo 3 months Simple Imprisonment and for the offence under Section 341 of IPC, sentenced them to pay fine of Rs.500/- each, in default, to undergo one month Simple Imprisonment and for the offence under section 323 of IPC, sentenced them to undergo one year Rigorous Imprisonment and to pay fine of Rs.500/-, in default, to undergo three months Simple Imprisonment and for the offence under Section 304(ii) of IPC, sentenced them to undergo ten years of Rigorous Imprisonment and to pay fine of Rs.5,000/-, in default, to undergo, one year Simple Imprisonment. Aggrieved over the above said conviction and sentence imposed by



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the Courts below, the petitioners preferred the present Criminal Appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

7. The learned counsel for the petitioners would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, the recovery of properties are not properly proved. He would further submit that the petitioners are surrendered and they are in custody from 11.09.2023. Further, this Court suspended the sentence imposed upon the accused Nos.1, 2, 5 to 10 by the concerned Court below, vide orders dated 06.07.2022 and 05.03.2023. Hence, the petitioners seek suspension of sentence.

8. The learned Additional Public Prosecutor appearing for the respondent would submit that even though the sentence imposed upon the co-accused was suspended by this Court, the petitioners are having one previous case at their credit and there are enough materials available on record against the petitioners and hence, he strongly opposed this petition.

9. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

10. The petitioners are said to have committed the offence under Sections 147, 341, 323, 294(b), 506(i) and 302 of IPC. Further, the learned counsel for the petitioners



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pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars and this Court granted suspension of sentence as against the co-accused. So this Court prima facie satisfied that there are arguable points involved in this Criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are in custody from 11.09.2023 and the sentence imposed upon the co-accused was suspended by this Court, hence, the petitioners are entitled to the relief of grant of suspension of sentence.

11. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Additional District and 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 Pass Book to ensure their identity; and

(iii) The petitioners shall stay at Ramanathapuram and they shall report before the Inspector of Police, Town Police Station,



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Ramanthapuram once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
25/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT),
KUMBAKONAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION
THANJAVUR DISTRICT

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

COPY TO:
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1. C.C. to Mr.V.R.SHANMUGANATHAN, Advocate SR.No.22737 (F)
DT.26/04/2024



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ORDER
IN
CRL MP(MD) No.3851 of 2024
in
CRL A(MD) No.915 of 2023
Date :25/04/2024

SA/SAR. /03.05.2024/7P/7C

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