



CRL MP(MD) No.6401 of 2023

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

Thursday, the Twenty 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.M.P.(MD).Nos.6401 and 17279 of 2023
in

Crl.A.(MD).No324 and 1084 of 2023

CRL.MP(MD).6401/2023:

VEERAMANI

... PETITIONER/ APPELLANTS

Vs

THE INSPECTOR OF POLICE
NAGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.
(CRIME NO.523/2020).

... RESPONDENT/RESPONDENT

Prayer in CRL MP(MD). 6401/ 2023 :

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 District and Sessions Judge, Pudukottai dt.19/9/2022 made in SC.No.100/2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

Prayer in CRL.A(MD).324/2023:

Pleased to call for the records and set aside the judgment dated 19.9.2022 made in S.C.No.100/2021 on the file of the learned Principal District and Sessions Judge, Pudukkottai, whereby the appellants were convicted and sentenced to undergo Life

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imprisonment with a fine of Rs.2.00 lakhs in default to undergo further period of each five years simple imprisonment for offences u/s.302 r/w 34 of IPC and allow the above Criminal appeal.

CRL.MP(MD).17279/2023:

1 SUBRAMANIYAN

2 VIGNESHWARAN

... PETITIONERS/PETITIONERS

Vs

THE INSPECTOR OF POLICE,
NAGUDI POLICE STATION,
(*)PUDUKOTTAI DISTRICT.
Cr.No.523/2020

... RESPONDENT/RESPONDENT

(*)AMENDED AS PER ORDER OF THE COURT DT.08/11/2023 IN CRL.MP(MD).15819 OF 2023 IN CRL.A(MD)SR.33300 of 2023.

Prayer in CRL MP(MD). 17279/ 2023 :

To Suspend the Sentence of Imprisonment imposed by the Learned Principal District and Sessions Judge,Pudukkottai judgment dt.19.9.2022 in SC.No.100 of 2021 and enlarge these Petitioners/Appellants on bail pending disposal of the above said Criminal Appeal.

Prayer in CRL.A(MD).1084/2023:

Pleased to call for the records and set aside the judgment and sentence passed by the Learned Principal District & Sessions Judge, Pudukkottai Judgment dated 19.09.2022 in S.C.No.100 of 2021 and acquit these Appellants/Accused 1 & 2 from all the charges.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.N.ANANDA KUMAR, Advocate for M/S.JAMEEL ARASU B, Advocate for the petitioner in CRL.MP(MD).6401/2023 and Mr.J.WILLAM CHRISTOPHER, Advocate for the Petitioner in CRL.MP(MD).17279/2023 and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent in both Petitions, the court



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made the following order:-

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[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present petitions are filed by the appellants/ A1 to A3 seeking to suspend the sentence imposed on them by the learned Principal District and Sessions Judge, Pudukkottai in S.C.No.100/2021 dated 19.09.2022.

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

Accused	Section of law	Sentence of Imprisonment	Fine amount
A1 to A3	302 r/w 34 IPC	Life imprisonment	Rs.2,00,000/- each in default to undergo further period of each five years simple imprisonment

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

3. The case of the prosecution is that P.W.1. Sakthivel is the son of the deceased Balaiya and they are the residents of Koohanur Village, Aranthangi Taluk. The deceased Balaiya is the brother of A1 Subramanian. A1 is the father of A2 Vigneswaran and both were residing at Kodivayal West Village, Aranthangi Taluk.



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A3 Veeramani is the son-in-law of A1's brother Marimuthu. A2 Vigneswaran was having illegal intimacy with his brother's wife, one Devi and he had enticed her to Tiruppur and was living with her. Due to this, there was a dispute between both the families and A2 Vigneswaran used to contact the deceased and abuse him in filthy language. While so, on 18.09.2020, A3 was celebrating his daughter's first birthday at Koothanur and A2 had visited the Village for the said function from Tiruppur. On coming to know the same, P.W.1 Sakthivel and the deceased Balaiya came to the house of A1 at 9.10 PM and shouted as "why you are denigrating myself and my family with putrefying turn of phrase". The accused persons rising their hackles with the previous enmity with the common intention to kill the deceased Balaiya, A1 took the aruval and attacked in the left chin of the deceased with great force and A2 took a spear from the roof of the hut and bayoneted in the neck of the deceased and A3 attacked the deceased with iron rod, causing severe injuries to the deceased and he succumbed to the injuries on the way to the hospital. Hence, a final report was filed against the accused for the offence under Section 302 r/w 34 IPC.

4. The learned counsel for the petitioners/ A1 to A3 would submit that even as per the case of the prosecution, the incident is said to have taken place in front of the house of the accused and the deceased is the person, who came there at 9.10 PM in the night had started quarrelling and abusing A2, who had come from Tiruppur only



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on that night. In the altercation, which followed the quarrel, the petitioners/ A1 to A3 were also injured and no explanation has been given by the prosecution with regard to the injuries sustained by the petitioners. The presence of P.W.1 in the scene of occurrence is also doubtful. He would further 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 judgment and hence, he seeks for indulgence of this Court.

5. The respondent has filed a counter.

6. The learned Additional Public Prosecutor would submit that the deceased is the brother of A1 and A2 is the son of A1. Since A2 eloped with his brother's wife, there was a dispute between the families and on the date of occurrence, A2 had come to the Village from Tiruppur. On coming to know the same, the deceased had gone to the house of the accused to question about the same and at that time, the petitioners/accused have assaulted him with aruval, spear and iron rod, as a result of which, the deceased sustained injuries and died. 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.



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8. On perusal of records, it is seen that the deceased had gone to the house of the petitioners/accused at 9.10 PM in the night and there was a quarrel between them and the incident is said to have taken place during the quarrel. Having regard to the fact that there are arguable points involved in the appeals and further, the appeals are not likely to be taken up for final hearing in the near future and also considering the period of incarceration and also taking into consideration the facts and circumstances of the case, we are inclined to suspend the sentence imposed on the petitioners by the Trial Court pending the Appeals.

9. Accordingly, the Criminal Miscellaneous Petitions are allowed and the substantive sentence of imprisonment alone imposed on the petitioners/A1 to A3 is suspended, subject to the following conditions:

i. The petitioners/A1 to A3 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 the learned Principal District and Sessions Judge Pudukkottai.

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



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Bank passbook to ensure their identity.

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iii. The petitioners/A1 to A3 shall stay at Tiruppur and report before the Inspector of Police, Tiruppur Town Police Station daily at 10.30 a.m. until further orders.

sd/-
25/07/2024

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30/07/2024
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 DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE
NAGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.

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

COPY TO:
THE INSPECTOR OF POLICE,
TIRUPPUR TOWN POLICE STATION,
TIRUPPUR.

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+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-8637[I] dated 25/07/2024)

+1 CC to M/s.J.WILLAM CHRISTOPHER, Advocate (SR-8791 [I] dated 26/07/2024)

ORDER
IN
Crl.M.P.(MD).Nos.6401 and 17279 of 2023
in
Crl.A.(MD).No324 and 1084 of 2023
Date :25/07/2024

SA/SAR. /30.07.2024/8P/8C

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