



CRL MP(MD) No.4919 of 2024

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

Friday, the Second day of August 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.4919 of 2024
in
CRL A(MD) No.386 of 2024

VARUVALRAJA @ SAMINATHAN @ SAMI ... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THIRUPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

... RESPONDENT/COMPLAINANT

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 against the petitioner in SC No.77/2017 dated 31/8/2023 passed by the Learned Principal District and Sessions Judge, Sivagangai and enlarge the petitioner on bail pending disposal of the above appeal.

Prayer in CRL A(MD) No.386 of 2024 :

To call for the records in S.C.No.77 of 2017 dated 31.08.2023 passed by the Learned Principal District and Sessions Judge, Sivagangai and to set aside the same.

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.G.KARUPPASAMY PANDIYAN, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



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

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Seeking to suspend the sentence imposed on the petitioner by the learned Principal District and Sessions Judge, Sivagangai, vide Judgment dated 31.08.2023, in S.C.No.77 of 2017, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 I.P.C.	To undergo life imprisonment	Rs.1000/-, in default to undergo six months simple imprisonment.

3. The case of the prosecution is that the petitioner was working as a Cook and the deceased was a labour in the group carrying on renovation works in the lake. The deceased used to quarrel with the petitioner with regard to the quality of food prepared by him. The petitioner, who got enraged by the act of the deceased, on 26.09.2023, at the early hours, had murdered the deceased by dropping a stone on the head of the deceased, who was sleeping.

4. Learned counsel for the petitioner would submit that the deceased and the petitioner were the native of Kanyakumari District and the the incident had taken place at Sivagangai, where, they had gone for work. Further, even as per the prosecution case, the motive for the occurrence is that the petitioner is a Cook and



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the deceased used to constantly nag him by stating that the food prepared by him was not good and due to which, the petitioner is said to have dropped a stone on the head of the deceased resulting in his death. The incident is said to have happened in the night hours in a drama stage in a village. Though P.Ws.3 and 4 had deposed that they have seen the petitioner running away after dropping a stone on the head of the deceased, by the light from cellphone torch, P.W.5 had deposed that none of them were having mobile phone at that time. Further, even as per the evidence of P.W.13, the deceased was fully drunk and he was under the influence of alcohol. He would further submit that the petitioner was a cook by profession and there was no case against him. 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. The respondent – Police has filed a detailed counter affidavit.

6. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that the petitioner had murdered the deceased by dropping a stone on his head, while he was sleeping and thereby, he would seek for dismissal of the suspension of sentence application.

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



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8. 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.

9. 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 bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties, (* deleted) each for a like sum to the satisfaction of the learned Additional District Munsif-cum-Judicial Magistrate, Manamadurai, Sivagangai District.

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 Bank passbook to ensure their identity.

iii. The petitioner shall appear before the learned Trial Judge at 10.30 a.m., on the first working day of every calender month, until further orders.



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iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of Thovalai Police Station until further orders.

sd/-
02/08/2024

(*) Deleted as per order of this Court
dated 04.09.2024 in CRL MP(MD)
No.9244 of 2024 in CRL A(MD)
No.386 of 2024

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/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

- TO
TO BE SUBSTITUTED WITH THE ORDER DATED 02.08.2024 ALREADEY
DESPATCHED
1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, SIVAGANGAI.

2 THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,
THIRUPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



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

COPY TO

THE INSPECTOR OF POLICE, THOVALAI POLICE STATION,
THOVALAI.

ORDER

IN

CRL MP(MD) No.4919 of 2024

in

CRL A(MD) No.386 of 2024

Date :02/08/2024

RS//SAR-(02.08.2024) 6P 8C

ED/ GS /SAR- (10/09/2024) 6P / 8C

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