



CRL MP(MD) No.9288 of 2024

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

Monday, the Twenty Third day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.9288 of 2024

in

CRL A(MD) No.725 of 2024

SATHIYASEELAN

... Petitioner / Appellant / Sole Accused

Vs

THE INSPECTOR OF POLICE,
KEERAMANGALAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

(CRIME NO.225 OF 2017.)

... Respondent / 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 in S.C No. 106 of 2018 on the file of the Additional District and Sessions court, Pudukkottai dt. 23.02.2024 and release the petitioner on bail pending disposal of the above appeal.

Prayer in CRL A(MD) No.725 of 2024:

To set aside the conviction and sentence of fine imposed by the Additional District and Sessions Judge at Pudukkottai in S.C.No.106 of 2017 order dated 23.02.2024 and thus allow the 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 M/s.K.C.MANIYARASU, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate (Crl. side) on behalf of the Respondent, the Court



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made the following order:-

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Additional District and Sessions Judge, Pudukkottai in SC No.106 of 2018, dated 23/02/2024 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

2.The case of the prosecution in brief:-

The deceased is the father of the de-facto complainant namely PW1. The deceased elder daughter namely Shanthi was married to the accused and frequently he was insisting upon the deceased to settle the house site in his name. On 11/11/2017 at about 07.00 pm in the night, when the deceased was working in the bicycle repairing shop, again the accused picked up quarrel and caused assault with wooden log. He was taken to the Government Hospital Keeramangalam where first aid was done and later shifted to Pudukottai Government Hospital for treatment. Thereafter to Thanjavur Government Medical College Hospital. But without responding to the treatment, he died on 12/11/2017. Based upon the occurrence, a case in Crime No.225 of 2017 was registered by the respondent police for the offence under section 302 IPC.

3.After completion of the investigation, charge sheet was filed before the Additional District and Sessions Judge, Pudukottai for the offences under sections



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294(b), 302 and 506(ii) IPC and it was taken on file in SC No.106 of 2018.

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4.On the side of the prosecution, 22 witnesses were examined and 13 documents were marked. Apart from that, 2 materials objects were marked. On the side of the accused, no oral and documentary evidence was adduced.

5.At the conclusion of trial process, the trial court found guilty of the accused for the offences under sections 294(b) and 304(Part II) IPC and sentenced him to undergo 3 months SI for the offence under section 294(b) IPC and sentenced to undergo 10 years RI and to pay a fine of Rs.1,000/-, in default to undergo 3 months SI for the offence under section 304(Part-II) IPC and directed the sentences to run concurrently.

6.Challenging the conviction and sentence, criminal appeal is preferred by the appellant. Pending appeal, this criminal miscellaneous petition was taken out by the petitioner seeking suspension of sentence.

7.Heard both sides.

8.From the narration of facts, it is seen that there was frequent trouble between the deceased and the petitioner herein over the settlement of the house site. Even it is admitted by the petitioner that due to sudden provocation he said to have caused assault but without any motive.

9.The learned Government Advocate (Criminal side) would submit that the



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nature of the injuries suffered by the deceased indicates the motive to cause the death and the petitioner also under the influence of alcohol at the time of the occurrence. So, no indulgence need be shown.

10. Reading of the evidence of PW16-Doctor shows the nature of the injuries caused by the deceased. All the injuries were inflicted on the head region. So, the contention on the part of the petitioner that it was sudden provocation, is a matter for consideration at the time of hearing the main appeal.

11. Considering the manner in which the above said assault said to have been caused and the judgment was of the recent origin, this court is not inclined to enlarge the petitioner on bail by suspending the sentence.

12. In the result, this criminal miscellaneous petition is dismissed.

sd/-
23/09/2024

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/10/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

To

1. The Additional District and Sessions Judge,
Pudukkottai.



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2.The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.

3.The Superintendent,
Trichy Central Prison, Trichy.

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

ORDER
IN
CRL MP(MD) No.9288 of 2024
in
CRL A(MD) No.725 of 2024
Date :23/09/2024

ED/ VR /SAR- (22/10/2024) 5P / 5C

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