



CRL MP(MD) No.5220 of 2024

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

Wednesday, the Thirty First 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.5220 of 2024
in
CRL A(MD) No.974 of 2023

KUMARAVEL

... Appellant / Sole Accused

Vs

THE INSPECTOR OF POLICE
EDAMALAIPATTI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
(IN CRIME NO. 371/2019).

... 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 and conviction made in the Judgment in SC No.138/2020 on the file of the Learned III Additional District and Sessions Court, Trichirappalli dated 4/9/2023 pending disposal of the instant Criminal Appeal.

Prayer in CRL A(MD) No.974 of 2023:

To call for records and judgment dated 04.09.2023 made in S.C.No.138 of 2020 on the file of the III Additional District and Sessions Court, Tiruchirappalli and 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



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of M/s.N.ANANDA KUMAR, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, 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.]

The present petition has been filed by the appellant/sole accused to suspend the sentence imposed on him by the learned III Additional District and Sessions Judge, Tiruchirapalli in S.C.No. 138 of 2020.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 of IPC	Life imprisonment	Rs.5000/- i/d to undergo one year simple imprisonment
201 r/w.302 of IPC	seven years rigorous imprisonment	Rs.5000/- i/d to undergo one year simple imprisonment

3. The deceased is the mother of the defacto complainant and the accused. The accused was working as salesman in a private sector and due to minimum wages he frequently changed his employment, due to the same his father scolded him, for which he consumed poison and admitted in a private hospital and after treatment he was rescued. For medical treatment of the petitioner, mother of the petitioner pledged her jewels and got money. Thereafter the petitioner did not go for any job and was wandering and often used to quarrel with his parents and



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consumed liquor. On 20.09.2019 the petitioner instructed his mother to take bath at that time the petitioner put towel on her neck and tied. Later on 25.09.2019 at about 10.00 hrs the accused demanded money from his mother since she refused to give money the accused pushed her on the ground and thereby she sustained injuries on her head. On seeing the blood on her head the petitioner herein covered her face with bed sheet dashed her head in a nearby cot and while the deceased was screaming the accused put her pillow on her face, pressed her and later stabbed her right neck with the knife till her last breath and committed murder. Hence the complaint.

4. Learned counsel appearing for the petitioner would submit that it is a case of circumstantial evidence. P.W.1 who is said to have given complaint and P.W.2 /wife of the petitioner have not supported the case of prosecution, whereas the trial Court without there being any material evidence had convicted the petitioner. He would further submit that the petitioner was in bail during trial and he has not misused the personal liberty granted to him and he has no bad antecedents. He would further submit that the petitioner has got wife and children and hence he seeks for indulgence of this court.

5. The respondent has filed detailed counter. Learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of matricide.



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PW.1 who is the sister of the petitioner though has not supported the case of prosecution during cross examination as deposed about having given complaint and the manner in which the occurrence had taken place. He would also submit that after the occurrence, the petitioner had been absconding and thereby the trial Court, inferring that it was not a natural conduct for the son to be absconding after the death of his mother, had rightly found the accused guilty and convicted the accused thereby he would vehemently oppose for grant of bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of case and also the family situation of the petitioner and also having regard to the fact that there are arguable points involved in the appeal and further, the appeal is 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 petitioner pending the Appeal.

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



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- 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, Tiruchirapalli
- 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 stay at Kanyakumari and report before the Vadasery Police station daily at 10.30 am., until further orders.
- iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
31/07/2024

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02/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



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To

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1.The III Additional District and Sessions Judge, Tiruchirappalli.

2.The Inspector of Police,
Edamalaipatti Police Station,
Tiruchirappalli 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,
Vadasery Police Station, Kanyakumari.

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-9195[I] dated 01/08/2024)

ORDER

IN

CRL MP(MD) No.5220 of 2024

in

CRL A(MD) No.974 of 2023

Date :31/07/2024

ED/ /SAR- (02/08/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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