



CRL MP(MD) No.7950 of 2023

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

Thursday, the Twenty Seventh day of June 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.7950 of 2023
in
CRL A(MD)No. 314 of 2023

JOHN PRINCE

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
RAILWAY POLICE STATION,
TRICHIRAPPALLI,
CRIME NO.184/2016.

... 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 of Imprisonment imposed by learned Principal Sessions Judge, Trichirappalli in SC No.118/2017 by the Judgment dated 21.12.2022 and enlarge the Petitioner / Appellant on bail, pending disposal of the above said Criminal Appeal.

PRAYER IN CRL A(MD)No. 314 OF 2023:

To call for the records of judgment passed in SC No.118/2017 dated
<https://www.mhc.tn.gov.in/judis>



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21/12/2022 on the file of the Principal District and Sessions Judge, Trichirappalli and set aside the same and acquit the appellant/accused No.1.

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.AROKIYA SELVA RAMESH S, Advocate for the petitioner and of MR.RMS.SETHURAMAN, 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 case of the prosecution is as follows:

(i) The deceased Jegans Babu and Ajitha (A2) are husband and wife. Their marriage was solemnized on 08.06.2016. John Prince (A1) and Ajitha (A2) were earlier working in Chettinadu Hospital, Chennai and both of them were in love affair for the past 1 ½ years. Ajitha (A2) was not interested in the marriage with the deceased and thereby, John Prince (A1) and Ajitha (A2) had conspired to murder the deceased. Pursuant to the conspiracy, John Prince (A1) introduced himself as Dr.Chockalingam with the deceased over Cellphone and invited him for a party and asked him to come along with him. Believing the words of John Prince (A1), the deceased went along with him in Kanyakumari Express on 07.07.2016 and they got down in Trichy Junction. Thereafter, John Prince (A1) took the deceased near



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Mudukkupatti Bridge and asked the deceased to attend nature's call. When the deceased was attending nature's call, John Prince (A1) came behind of the deceased and strangled him with kerchief, pulled him down and crushed his face by stones. In order to conceal the murder and to show it as an accident, John Prince (A1) put the body of the deceased on the railway track. Thereafter, John Prince (A1) had taken the gold chains each weighing 5 sovereign and 1 ½ sovereign, bracelet weighing about 2 sovereigns and also watch from the deceased.

(ii) On the next day i.e. 08.07.2016, at about 01.30 a.m., Antony Raj (P.W.5), Loco Pilot, while he was driving a train, found the dead body on the railway track and informed the same to one Radhakrishnan (P.W.4), Express Guard, who informed the same to Railway Protection Force. Thereafter, it was informed to one Padmanabhan (P.W.16), Village Administrative Officer at about 05.00 a.m., and based on his complaint, a case in Crime No.184 of 2016 was registered under Section 174 Cr.P.C. Subsequently, the body was sent for postmortem and it was buried at Nagercoil.

(iii) Thereafter, Balammal (P.W.1), mother of the deceased, suspecting the death of her son, lodged a complaint (Ex.P1) before one Kosalairaman (P.W.27), Inspector of Police, Railway Protection Force. Subsequently, John Prince (A1) had voluntarily surrendered before the Village Administrative Officer (P.W.16).

(iv) Based on the said complaint, P.W.27, took up the investigation and



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examined the witnesses and due to his transfer, Baskaran (P.W.28), Inspector of Police, continued the investigation, examined the witnesses and filed the final report in P.R.C.No.3 of 2017, before the learned Judicial Magistrate No.IV, Tiruchirappalli, under Section 120(B), 364, 302, 201 and 404 I.P.C., as against John Prince (A1) and under Sections 364, 302, 201, 404 read with 120(B) I.P.C., as against Ajitha (A2).

(v) On appearance of the accused, the provisions of Section 207 of the Code of Criminal Procedure were complied with and the case was committed to the Court of Sessions, Tiruchirappalli and it was taken on file in S.C.No.118 of 2017, for trial.

(vi) The Trial Court, after hearing the accused, framed charges against them, as detailed below:

Charge	Penal Provisions	Accused
1.	120(B) I.P.C.	A1 & A2
2.	364 I.P.C.	A1
3.	302 I.P.C.	A1
4.	201 I.P.C.	A1
5.	404 I.P.C.	A1

(vii) When questioned, the accused pleaded "not guilty". To prove the case, the prosecution examined 28 witnesses and marked 31 exhibits and 08 material objects. When the accused were questioned under Section 313 of the Code of Criminal Procedure on the incriminating circumstances appearing against them, they denied



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the same and did not come forward to give any plausible explanation. No witness was examine, however, three exhibits were marked on the side of the accused.

(viii) During trial, Ajitha (A2) died, thereby, the charges framed against her were abated.

(ix) By judgment and order dated 21.12.2022, the Trial Court found A1 guilty for the offence under Sections 120(B), 364, 302, 201 and 404 I.P.C., and convicted and sentenced him, as detailed below:-

Section of Law	Sentence of imprisonment	Fine amount
120(B) I.P.C.	To undergo life imprisonment	Rs.1,000/- in default to undergo six months rigorous imprisonment
364 I.P.C.	To undergo 10 years rigorous imprisonment	Rs.1,000/- in default to undergo six months rigorous imprisonment
302 I.P.C.	To undergo life imprisonment	Rs.1,000/- in default to undergo six months rigorous imprisonment
201 I.P.C.	To undergo three years rigorous imprisonment	Rs.1,000/- in default to undergo six months rigorous imprisonment
404 I.P.C.	To undergo three years rigorous imprisonment	Rs.1,000/- in default to undergo six months rigorous imprisonment

The sentences imposed on the accused were ordered to run concurrently.

2. Challenging the said conviction and sentence, John Prince (A1) has filed an

<https://www.bharatgac.in/CrA> appeal in Cr.A.(MD) No.314 of 2023 and pending the appeal, he has filed the above



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miscellaneous petition seeking to suspend the sentence imposed on him.

3. Learned counsel for the petitioner (A1) would submit that it is a case of circumstantial evidence. The prosecution is bound to prove the chain of events to prove its case beyond all reasonable doubts. Whereas, in this case, there are several missing links and without there being any legal evidence, the Trial Court had found the petitioner (A1) guilty of the offence. He would further submit that the incident is said to have occurred on 07.07.2016 at night hours and the body of the deceased was found near railway track and based on the complaint given by the local Village Administrative Officer (P.W.16), a case was initially registered under Section 174 Cr.P.C., and after completion of postmortem at Trichy, the body was taken by the relatives of P.W.1, mother of the deceased, and buried at Nagercoil. Subsequently, a complaint (Ex.P1) was given on 13.07.2016 by P.W.1. Though P.W.2, a close relative of the deceased, claims to have seen the petitioner (A1) at Nagercoil Junction, he had not informed the same to anybody immediately, thereby, the evidence of P.W.2 is doubtful. He would further submit that the petitioner (A1) is said to have voluntarily surrendered before P.W.16, Village Administrative Officer and based on his confession statement, M.Os.1 to 3 - jewels, M.O.4 - cell phone and M.O.5 - Kerchief were said to have recovered from the hostel at Chennai. However, it is the evidence of P.W.1 that she received M.Os.1 to 3 - jewels when the body was handed over to her



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and thereby, it falsifies the case of the prosecution regarding confession, arrest and recovery. The prosecution has failed to prove its case beyond reasonable doubts and had willfully not produced the scientific evidences available. There are also several other grounds in the appeal and the likelihood of the appeal being taken up for final hearing in the near future is also not possible, thereby he prayed for suspension of sentence.

4. The respondent has filed a counter affidavit.

5. Learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the deceased is the husband of Ajitha (A2). They got married on 08.06.2016. Prior to the marriage, A2 had a love affair with the petitioner (A1). However, due to compulsion, she had married the deceased. Later, she along with the petitioner chalked out a plan to do away the deceased. Pursuant to the same, the petitioner (A1) claiming himself to be one Chockalingam had called the deceased to Chennai and while they were travelling in train, they got down at Trichy and the deceased was taken to a remote place at Trichy and he was done to death by strangulation and the head was hit by stones. The prosecution has proved the chain of circumstances, thereby, he prays for dismissal of the petition for suspension of sentence.



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

7. It is a case of circumstantial evidence. On perusal of the records, we find that the petitioner (A1) has made out a prima facie case for grant of suspension of sentence. Hence, we are inclined to grant bail to the petitioner (A1).

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein (A1) is suspended, subject to the following conditions:

i. The petitioner (A1) 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 Principal Sessions Judge, Trichirappalli.

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.



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iii. The petitioner (A1) shall appear before the learned Judicial Magistrate

No.IV, Tiruchirappalli, on the first working day of every month until further orders.

sd/-

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28/06/2024

Sub-Assistant Registrar

(C.S.I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK
TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TRICHIRAPPALLI.
- 2 THE JUDICIAL MAGISTRATE NO.IV
TIRUCHIRAPPALLI.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI.
- 4 THE INSPECTOR OF POLICE
RAILWAY POLICE STATION, TRICHIRAPPALLI,
- 5 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.S.AROCKIA SELVA RAMESH, Advocate (SR-7040[I] dated 27/06/2024)

ORDER
IN
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in
CRL A(MD)No. 314 of 2023
Date :27/06/2024

PKP/28.06.2024/ 10P/ 8C

Madurai Bench of Madras High Court is issuing certified
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