



CRL MP(MD) No.6502 of 2024

WEB COPY

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

Thursday, the First 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.6502 of 2024
in
CRL A(MD) No.177 of 2024

SATHISH @ SATHISH KUMAR

... Appellant / Accused No.2

Vs

THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.295 OF 2018.)

... 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 on the petitioner/accused no.2 namely Satheesh by the learned Additional District and Sessions Judge(Fast Track) Kanyakumari vide SC.No.164/2019 dt 22.02.2024 and enlarge the petitioner/accused no.2 on bail, pending disposal of the criminal appeal.

Prayer in CRL A(MD) No.177 of 2024:

To call for the records and allow the above appeal and consequently set aside the conviction and sentence as imposed on them by the Additional District Sessions Court (Fast Track Court), Kanyakumari District at Nagercoil vide S.C.No.164 of 2019 dated 22.02.2024 on its file forthwith.



CRL MP(MD) No.6502 of 2024

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SUYAMBULINGA BHARATHI.K, 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.]

Seeking to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, Fast Track Court, Kanyakumari District at Nagercoil, vide Judgment dated 22.02.2024 in S.C.No.164 of 2019, 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 r/w 34 I.P.C.	To undergo life imprisonment	Rs.5000/-, in default to undergo one year rigorous imprisonment.
294(b) I.P.C.	To undergo one month rigorous imprisonment	Nil
449 I.P.C.	To undergo seven years imprisonment	Rs.3000/-, in default to undergo six months rigorous imprisonment.

3. The case of the prosecution is that on 18.11.2018, at about 07.00 p.m., while the deceased Yesuvadian was talking near a Petty Shop at Lakshmipuram



CRL MP(MD) No.6502 of 2024

WEB COPY

Junction, the accused came there and parked their vehicle in front of the vehicle of the deceased Yesuvadian. Since the deceased could not take his vehicle, when he questioned the accused, there was a quarrel between the accused and the deceased. Subsequently, while the deceased was watching TV in his house, the accused trespassed into the house of the deceased and brought him out of his house and A1 - Jegan hit on the backside head of the deceased with a stone and A2 - Sathish (petitioner herein) hit the deceased on his face with a brick stone indiscriminately.

4. Learned counsel for the petitioner would submit that even as per the prosecution case, the alleged incident is said to have taken place during a quarrel between the accused and the deceased. No weapon was used and the injuries are said to have caused only by a brick, which was lying nearby. There was no intention on the part of the petitioner to commit the murder of the deceased, who was aged 72 years. The petitioner, during the relevant point of time, was studying Civil Engineering in PSN Institute of Technology and other than having accompanied A1, he has not committed any offence. Further, the presence of P.W.1 is also doubtful, as the medical evidence does not tally with the evidence of P.W.1. 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.



CRL MP(MD) No.6502 of 2024

WEB COPY

5. Learned Additional Public Prosecutor appearing for the respondent – Police, objected for grant of suspension of sentence as the petitioner along with another trespassed into the house of the deceased, brought him out of the house and murdered him.

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

7. 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.

8. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Fast Track Court, Kanyakumari District at Nagercoil.
- ii. The sureties shall affix their photographs and Left Thumb



CRL MP(MD) No.6502 of 2024

WEB COPY

Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

- iii. The petitioner shall stay at Madurai and report before the Inspector of Police, Othakadai Police Station, Madurai, daily at 10.30 a.m., 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/-
01/08/2024

/ TRUE COPY /

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

KRK

To

1.The Additional District Judge,
(Fast Track Court),
Kanyakumari District at Nagercoil.



CRL MP(MD) No.6502 of 2024

2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

3.The Superintendent,
Central Prison, Palayamkottai.

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

Copy to:

The Inspector of Police,
Othakadai Police Station, Madurai.

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-9285[I] dated
02/08/2024)

ORDER
IN
CRL MP(MD) No.6502 of 2024
in
CRL A(MD) No.177 of 2024
Date :01/08/2024

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

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