



CRL MP(MD) No.6601 of 2024

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

Thursday, the Twenty Fifth 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.6601 of 2024
in
CRL A(MD) No.558 of 2024

MASANAM

... Appellant / Accused No.7

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
RAJAPALAYAM SUB DIVISION,
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.18/2023.)

... 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 passed in Spl.SC.No.32/2023 dated 9/5/2024 on the file of the Learned Sessions Judge, Spl. Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur and enlarge the petitioner/7th Accused on bail pending disposal of the above appeal.

Prayer in CRL A(MD) No.558 of 2024:

To call for records relating to the impugned judgment of conviction in Spl.S.C. No.32 of 2023 dated 09.05.2024 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputtur and set aside the same and to acquit the appellant / accused No.7 from the charges



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framed against him.

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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.N.MOHIDEEN BASHA, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, 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 Sessions Judge, Special Court for trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputtur, vide Judgment dated 09.05.2024 in Spl.S.C.No.32 of 2023, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
341 I.P.C.	To undergo one month simple imprisonment	Rs.500/-, in default to undergo week simple imprisonment.
148 I.P.C.	To undergo three years rigorous imprisonment	Rs.1000/-, in default to undergo three months simple imprisonment.
302 r/w 34 I.P.C.	To undergo life imprisonment	Rs.1000/-, in default to undergo three months simple imprisonment.
506(ii) I.P.C.	To undergo three years rigorous imprisonment	Rs.1000/-, in default to undergo three months simple imprisonment.



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To undergo ten years
rigorous
imprisonment

Rs.1000/-, in default to
undergo three months
simple imprisonment.

3. The case of the prosecution is that P.W.1 belongs to Scheduled Caste Community. The deceased is his son. A1, A2, A4 and A5 belong to Scheduled Caste Community, A6 belongs to Hindu Arunthathiar Community, which is classified as Scheduled Caste and A3 and A7 belong to Hindu Maravar Community, which is classified as Backward Community. The deceased had developed friendship with A1 and A2 and thereby, the deceased had lent a sum of Rs.15,000/- as hand loan to A1. Since A1 did not repay the loan amount, the deceased abused the wife of A1 and thereby, there was enmity between A1 and the deceased. On 19.01.2023, at about 03.00 p.m., A1 and his friend A3 came to the house of the deceased and picked up quarrel with the deceased as to how can he abuse his wife. Since P.W.1 and his wife pacified them, A1 left the place by threatening the deceased with dire consequences. Since the deceased abused the wife of A1, all the accused joined together with a common intention to eliminate the deceased. Accordingly, on 22.01.2023, at about 08.00 p.m., A1 and A2 called the deceased through cell phone and asked him to come near Esakkiamman Temple at Sundararajapuram by stating that they will return the money borrowed by A1. Believing thoe words, the



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deceased along with his friends went there at about 8.15 p.m., in two wheelers and while they were proceedings in two wheelers, the accused waylaid them and abused the deceased in filthy language and A1 stabbed the deceased with a knife in his left chest and A3 abused him in filthy language and stabbed him in his right rib. A2 stabbed him below his left elbow and left hand middle finger. A4 stabbed in his right thigh and A5 stabbed in his upper back and caused bleeding injuries. Knowing the same, when P.W.1 along with his younger brother Anandhan (P.W.4), Selvaganesh (P.W.25) and Muthuraj (P.W.5) went there, A6 abused them in filthy language and assaulted in the back side head of the witness P.W.25 with a beer bottle and caused simple injuries. Thereafter, A2 and A6 took the deceased in a two wheeler to P.W.11's brick kiln, where the accused pushed the deceased down and A2 stabbed in his right stomach. A1 stabbed in his throat and A3 stabbed in his left back side hip, thereby the deceased succumbed to his injuries.

4. Learned counsel for the petitioner would submit that the petitioner has been arrayed as A7 in this case. As per Ex.P1, P.W.1 has only named five persons and it is the admitted evidence of P.W.1 that the name of the petitioner was later implicated based on the instigation of P.W.25 – Selvaganesh. Whereas, the said P.W.25 – Selvaganesh has not supported the case of the prosecution. Even as per the prosecution case, the allegation against the petitioner is that he is said to have



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assaulted P.W.25 with a beer bottle and he had sustained an injury on his head.

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However, he had not taken treatment in any hospital and he had not supported the case of the prosecution. He would further submit that the petitioner has not caused any injuries to the deceased. 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 is A7 in this case and he has got four previous cases against him and thereby, he prays for dismissal of this suspension of sentence application.

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

8. Having gone through the records and taking into consideration the fact that the petitioner has not caused any injuries to the deceased, 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



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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 Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputtur.
- ii. The sureties shall affix their photographs and Left Thumb 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 Trichirappalli and report before the Inspector of Police, Cantonment Police Station, Trichirappalli, daily at 10.30 a.m., until further orders.
- iv. It is made clear that the petitioner shall not enter into the



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jurisdictional limits of the respondent Police Station until further orders.

sd/-
25/07/2024

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29/07/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK
To

1.The Sessions Judge,
Special Court for Trial of SC/ST(POA) Act Cases,
Virudhunagar District at Srivilliputtur.

2.The Deputy Superintendent of Police,
Rajapalayam Sub Division,
Seithur Police Station,
Virudhunagar District.

3.The Superintendent,
Central Prison, Madurai.

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

Copy to:

The Inspector of Police,
Cantonment Police Station,
Trichirappalli.

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-8756[I] dated 26/07/2024)



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ORDER
IN
CRL MP(MD) No.6601 of 2024
in
CRL A(MD) No.558 of 2024
Date :25/07/2024

ED/ /SAR- (29/07/2024) 8P / 7C

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