



CRL MP(MD) No.7315 of 2024

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

Tuesday, the Fifteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and
The Hon`ble Ms.Justice R. POORNIMA

Crl.M.P.(MD) No. 7315 of 2024
in
Crl.A.(MD) No.608 of 2024

SENTHOORAPANDI

... APPELLANT/PETITIONER/
SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.296/2020

... 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 against the petitioner by judgment dated 22.06.2023 in SC.No.537/2021 on the file of the Principal Sessions Judge, Tirunelveli and grant bail to the petitioner

Prayer in in Crl.A.(MD) No.608 of 2024:

To call for the records pertaining to the Judgment dated 22.06.2023 in S.C.No.537 of 2021 on the file of the Principal Sessions Judge, Tirunelveli and set aside the same as illegal.



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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. VINOTH BHARATHI.R, Advocate for the petitioner and of MR.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The accused in S.C.No.537 of 2021 on the file of Principal Sessions Judge, Tirunelveli, who had been convicted by Judgment, dated 22.06.2023 for the offence punishable under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.500/- in default to undergo simple imprisonment for further period of two months, has filed the present petition seeking suspension of sentence.

2.It is a case of the prosecution that both the petitioner herein and the deceased were working in a Poultry Farm. On an earlier date, the deceased was terminated from the Poultry Farm for the missing of one goat and a few hens. Thereafter, he rejoined duty. There was enmity between the accused and the deceased. On 31.07.2020 at around 10.00 p.m., when the accused and deceased were watching television, there was a quarrel between them in switching off the television, which escalated into violence. There are no other antecedents as against the deceased or the petitioner herein. The entire incident happened due to sudden quarrel.



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3. In this regard, we wanted to get a report in respect of conduct of the petitioner from the Superintendent of Prisons, Central Prison, Palayamkottai.

4. The learned Additional Public Prosecutor forwarded a report, dated 09.10.2024 submitted by the Superintendent of Prisons, Central Prison, Palayamkottai, in which, he stated that the petitioner was allotted work in kitchen and his conduct is satisfactory at present.

5. Since the application is filed only for suspension of sentence, this Court without entering into discussion on other aspects, taking into consideration the aforementioned factors is inclined to consider suspension of sentence for the petitioner.

6. In view of the above, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.537 of 2021 dated 22.06.2023 subject to the following conditions:



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- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tirunelveli;
- (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 pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the concerned Court on the first working day of every month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
15/10/2024

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16/10/2024

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

PNM

To

1.The Principal Sessions Judge, Tirunelveli;

2.The Superintendent of Prison,
Central Prison, Palayamkottai.

<https://www.mca.gov.in/>



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3.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

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

ORDER
IN
Crl.M.P.(MD) No. 7315 of 2024
in Crl.A.(MD) No.608 of 2024
Date :15/10/2024

RK/ (16/10/2024) 5P / 5C

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