



CRL MP(MD) No.7050 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

and

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

CRL MP(MD) No.7050 of 2024

in

CRL A(MD) No.841 of 2023

BOSS @ BASKARAN

... PETITIONER/ APPELLANT/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE

KENIKARAI TALUK POLICE STATION,

RAMANATHAPURAM DISTRICT.

CR.NO.175/2013

... RESPONDENT/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 by the learned Additional District and Sessions Judge Ramanathapura by its judgment in SC.No.25/2020 dt 30.11.2021 and enlarge him on bail pending disposal of the criminal Appeal.

Prayer in CRL A(MD) No.841 of 2023 :

To call for the entire records connected to the judgment in S.C.No.25 of 2020 on the file of the Hon'ble Additional District and Sessions Judge, Ramanathapuram dated 30.11.2021 and set aside the conviction and sentence imposed against the appellant.



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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 MR.M.JEGADEESH PANDIAN, Advocate for the petitioner and of MR.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed seeking to suspend the sentence imposed on the petitioner in SC No.25/2020 vide judgment dated 30.11.2021. The petitioner, who was arrayed as A1 in SC No.25/2020 was convicted by the learned Additional District and Sessions Judge, Ramanathapuram, for offence under Section 302 IPC and sentenced to undergo life imprisonment and also to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months. The appeal is now pending.

2.The learned counsel for the petitioner stated that originally, FIR in Crime No.175/2013 had been registered on 08.04.2013 for commission of offence under Sections 341 and 302 IPC and under Section 32)(v) of SC and ST (POA) Act, 1989. The petitioner herein was the named accused in the FIR. There were totally five accused. After completion of investigation, the matter had been committed to trial in Spl.S.C.No.127/2016. During the pendency of the trial, this petitioner/A1 and A4 have both absconded necessitating issuance of non bailable warrant and further proceedings under Section 82 of the Code of Criminal Procedure was initiated seeking to declare them as proclaimed offenders. Thereafter, A4 had been arrested in yet another case and he was brought to face the trial. Since the case had been split up



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against both this petitioner and A4, Spl.S.C.No.67/2021 was opened up as against A4 and trial was conducted in that particular sessions case and in SC No.127/2016. By judgment dated 20.10.2021, A2 to A4 were convicted, however, A5 was acquitted. Immediately thereafter, this petitioner had surrendered before the Court and Spl. S.C.No.25/2021 was opened up against this petitioner/A1 and trial was conducted and he had been convicted and sentenced as stated above.

3.The learned counsel for the petitioner stated that the motive for the entire incident was that the deceased had married the sister of A5 as his second wife and aggrieved by that, A5 had instigated all the other accused to commit murder of the deceased. However, the facts also reveal that there are previous cases against the petitioner herein. Even though that could not be a direct factor to be considered, the fact that the petitioner had absconded during the trial process necessitating the split up of the case, necessitating issuance of non bailable warrant, necessitating commencement of proceedings under Section 82 Cr.P.C. and later splitting up the sessions case and thereafter passing the judgment show that there is no guarantee that the petitioner would not once again abscond during the pendency of this criminal appeal.

4.The learned counsel for the petitioner stated that the other cases in which the petitioner had been involved are not the root cause for the commission of offence,



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however, that also plays upon the mind of the Court to hold that at this stage, it may not be proper to grant suspension of sentence for the petitioner. Accordingly, this petition is dismissed.

sd/-
14/08/2024

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/08/2024

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

RR

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM DISTRICT.

2 THE INSPECTOR OF POLICE,
KENIKARAI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER

IN

CRL MP(MD) No.7050 of 2024

in

CRL A(MD) No.841 of 2023

Date :14/08/2024

RS/VR/SAR-(27.08.2024) 5P 5C

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