



CRL MP(MD) No.13761 of 2023

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

Tuesday, the Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.13761 of 2023
in
Crl.RC(MD) No.757 of 2023

RAMACHANDRAN

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.340 OF 2013.

...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 enlarge the petitioner on bail by suspending the sentence imposed in SC.No.570/2017 by the Assistant Sessions Judge, Ambasamudram dated 10.03.2021 CA.No.30/2021 as enhanced by the 1st Additional District and Sessions Court, Tirunelveli dated 10.02.2023.

Prayer in CRL RC(MD). 757/ 2023 :

To call for the records to set aside the judgment made in S.C.No.570 of 2017 by the Assistant Sessions Judge, Ambasamudram dated 10.03.2021 as confirmed by the judgment made in C.A.No.30 of 2021 by the I Additional District and Sessions Court Tirunelveli dated 10.02.2023.



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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.VENKATESH D, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Assistant Sessions Judge, Ambasamudram, in S.C.No.570 of 2017 dated 10.03.2021 and to enlarge him on bail, pending disposal of the Criminal Revision Petition.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. The petitioner suspecting her character, made quarrel with her in drunken mood. On 23.11.2013, when the relatives of his wife came to his house to advice him, he abused her in filthy language and attacked with 'Aruval' on her head with an intention to murder her. She got grievous injury on her head and thereafter she lodged a complaint to the respondent police.

3. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.340 of 2015 on the file of the respondent Police, for the offences punishable under Sections 294(b) and 307 of IPC and the same was taken on file in S.C.No.570 of 2017 before the learned Assistant Sessions Judge,



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Ambasamudram. The trial Court convicted the petitioner for the offence under Section 307 IPC and sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo three months simple imprisonment. Challenging the above said conviction, the petitioner has preferred the present Criminal Revision along with the above Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner further submitted that the trial Court has failed to appreciate the evidence in proper perspective and imposed the conviction mechanically and therefore, the learned counsel prays for suspending the sentence imposed on the petitioner. He further submitted that the petitioner is in judicial custody for the past 420 days.

5. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the petitioner had attacked P.W.1 with deadly weapon- 'Aruval' and she had sustained grievous injury and the Medical Officer has deposed about the nature of injury sustained by her and hence, he strongly opposed to grant suspension of sentence to the petitioner.



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on record.

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

7. This Court finds force in the submission of the learned counsel for the petitioner. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner has been in incarceration for nearly one year two months, this Court prima facie feels that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Assistant Sessions Judge, Ambasamudram, in S.C.No.570 of 2017 dated 10.03.2021 alone is suspended, subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Assistant Sessions Judge, Ambasamudram.

ii) The petitioner shall appear and sign before the learned Assistant Sessions Judge, Ambasamudram, once in 15 days at 10.30 a.m., until further orders.



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iii) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Assistant Sessions Judge, Ambasamudram.

9. Subject to the above conditions, this Petition is allowed.

sd/-
06/02/2024

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07/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PJl
TO

1 THE ASSISTANT SESSIONS JUDGE, AMBASAMUDRAM.

2. THE 1ST ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI

3 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

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



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+1 CC to M/s.D.VENKATESH, Advocate (SR-1520[I] dated 07/02/2024)

ORDER
IN
CrI.M.P.(MD) No.13761 of 2023
in
CrI.RC(MD) No.757 of 2023
Date :06/02/2024

SSA//SAR-(07.02.2024) 6P 7C

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