



CRL.M.P.(MD)No. 7787 of 2024

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

Friday, the Twentieth day of September 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.M.P.(MD)No. 7787 of 2024
in
CRL.A.(MD)No.645 of 2024

KARTHICK

... PETITIONER/APELLANT/
SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
CRIME NO.149/2023

... 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 against the petitioner in the Honble Additional Sessions Court (Fast Track Mahila Court), Karur in S.C.no.41 of 2023 dated 16.04.2024 and release the petitioner on bail till the disposal of the main Appeal.

Prayer in Crl.A(MD).645/2024:

Pleased to call for the entire records connected to the Impugned Judgment in S.C.No.41 of 2023 on the file of the Hon'ble Additional Sessions Court(Fast Track Mahila Court), Karur dated 16.04.2024 and set aside the same as illegal.



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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.G.KARUPPASAMY PANDIAN, Advocate for Mr.R.RAJASELVAN, Advocate for the petitioner and of Mr.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The sole accused in S.C. No.41 of 2023 who had suffered an order of conviction by judgment dated 16.04.2024 for the offences punishable under sections 294(b), 307 and 302 of IPC and had been sentenced to undergo three months simple imprisonment and to pay a fine of Rs.100/- i/d to undergo 15 days simple imprisonment for the offence under Sections 294 of IPC; undergo 10 years imprisonment and to pay a fine of Rs.100/- i/d to undergo six months simple imprisonment for the offence under Section 307 of IPC ; to undergo life imprisonment and to pay a fine of Rs.100/- i/d to undergo six months simple imprisonment, seeks to suspend the sentence.

2. The learned counsel appearing for the petitioner stated that the petitioner/accused and the deceased are both neighbours and there was on going continuous dispute between the two families over fetching of water from the public tap which was situated just outside the house.

3. The occurrence is said to have taken place on 26.02.2023 at 8.10 pm., when the deceased was fetching the water and there was a wordy quarrel which escalated into violence. It is stated that the petitioner/ accused had taken a butcher knife and



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attacked the deceased, causing death.

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4. It is the case of the prosecution that this particular occurrence was witnessed by P.W.1 to P.W.5, but, however the learned counsel appearing for the petitioner contended that P.W.1, wherein in his chief examination had stated that P.W. 2 and P.W.3 came later to the place on hearing the cry of the deceased and thus were not eye witnesses to the occurrence.

5. The learned counsel insisted that the offence would not fall under Section 302 of IPC but could be reasonably considered to fall Exemption 4 of Section 302 of IPC, as there was a sudden provocation which disturbed the mental state of the petitioner herein and that the injuries caused by him were not with intention to cause death and with knowledge that would cause death.

6. It is also contended that the petitioner was in bail during the course of trial. Taking into consideration the fact that there are arguable points to be advanced during the hearing of criminal appeal, we are inclined to entertain this petition and to suspend the sentence imposed against the petitioner. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 16.04.2024 is suspended subject to the following conditions:-

i. The petitioner is directed to be enlarged on bail on executing



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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 Judicial Magistrate No.II, Karur.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall stay at Madurai and sign before the Tallakulam Police Station on every Saturday at 10.30 AM 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/-
20/09/2024

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/09/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE ADDITIONAL SESSIONS JUDGE (FAST TRACK MAHILA COURT),
KARUR.

2 THE JUDICIAL MAGISTRATE NO.II,
KARUR.



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3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.

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

COPY TO:
THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI.

+1 CC to M/s.R.RAJASELVAN, Advocate (SR-11514[I] dated 20/09/2024)

ORDER
IN
CRL.M.P.(MD)No. 7787 of 2024
in
CRL.A.(MD)No.645 of 2024
Date :20/09/2024

SA/SAR. /23.09.2024/5P/9C

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