



CRL MP(MD) No.10787 of 2023

WEB COPY

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

Friday, the Twenty Eighth day of June 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.10787 of 2023
in
CRL A(MD)No.419 of 2023

PALANI

... PETITIONER/PETITIONER

(PRESENTLY CONFINED AT CENTRAL PRISON,
MADURAI)

Vs

THE INSPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

... 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 them on bail by suspending the sentence imposed on them in SC.No.168 of 2019 by the Principal Sessions Judge, Ramanathapuram dated 28.6.2022 pending disposal of the above Criminal Appeal.

PRAYER in CRL A(MD)No.419 of 2023:

To call for the records set aside the Judgment made in S.C.No.168 of 2019 by the Principal Sessions Judge, Ramanathapuram, dated 28.06.2022.



CRL MP(MD) No.10787 of 2023

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.D.VENKATESH, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, 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.]

The case of the prosecution is as follows:

(i) the deceased is the brother of the complainant and the accused Palani is the son of the deceased. Wife of the deceased predeceased him 40 years before. The accused Palani and one Nagarajan are the sons of the deceased. Due to misunderstanding between the accused and his wife they separated from each other and hence, the accused Palani was living along with his deceased father at Moolavayal Village. Another son Nagarajan predeceased his father, hence, his wife along with her children are living at Devakottai. Wife of the said Nagaraj is a dumb person. In Moolavayal Village the deceased was having 42 cents of land. Out of which, 21 cents of land was sold to one Subramani who is none other than the son of the complainant. The entire sale proceeds of a sum of Rs.3 lakh was retained by the accused stating that the sale proceeds belongs to him.

(ii) Later the deceased wanted to settle the remaining cents of 21 cents of land to his younger daughter-in-law, who is a widow and also a dumb which is not liked



CRL MP(MD) No.10787 of 2023

by the accused. Hence, the accused wanted to done away his father. On 05.04.2019 all the Villagers of Moolavayal went to attend Mariamman Temple festival in the nearby Village Govindamangalam. Making using of that situation, the accused made his father to consume alcohol. When the accused was lying in the cot, the accused shouted at him in respect of his idea to settle the remaining cents of land in favour of his second daughter-in-law and with an intention to kill him attacked him with wooden stick and Bamboo stick due to which, the deceased succumbed to the injuries and hence, after due investigation, the Inspector of Police laid the final report against the accused for the offence under Section 302 IPC.

(iii) Thereafter, P.W.16 took up the investigation and examined the witnesses and handed over the file to P.W.17, who had filed the final report in P.R.C.No.04 of 2019, before the learned Judicial Magistrate, Thiruvadanai, under Section 302 I.P.C., against the accused.

(iv) On appearance of the accused, the provisions of Section 207 of the Code of Criminal Procedure were complied with and the case was committed to the Court of Session, Ramanathapuram, in S.C.No.168 of 2019 and was made over to the Principal District and Sessions Court, Ramanathapuram, for trial.

(v) The Trial Court, after hearing the accused, framed charge against him, as detailed below:



CRL MP(MD) No.10787 of 2023

Charge	Penal Provisions
1.	302 I.P.C.

(vi) When questioned, the accused pleaded "not guilty". To prove the case, the prosecution examined 17 witnesses and marked 15 exhibits and 16 material objects. When the accused were questioned under Section 313 of the Code of Criminal Procedure on the incriminating circumstances appearing against him, he denied the same and did not come forward to give any plausible explanation. No witness was examined from the side of the accused nor any document marked.

(vii) By judgment and order dated 28.06.2022, the Trial Court found the accused guilty for the offence under Section 302 I.P.C., and convicted and sentenced him, as detailed below:-

Section of Law	Sentence of imprisonment	Fine amount
302 I.P.C.	To undergo life imprisonment.	Rs.10,000/- in default to undergo two months simple imprisonment.

The sentences imposed on the accused were ordered to run concurrently.

2. Challenging the said conviction and sentence, the accused has filed an appeal in Crl.A.(MD) No.419 of 2023 and pending the appeal, he has filed the above



miscellaneous petition seeking to suspend the sentence imposed on him.

3. Mr.D.Venkatesh, learned counsel for the petitioner would submit that the deceased is none other than the father of the petitioner. The prosecution has examined 17 witnesses. Most of the eye witnesses have turned hostile and they have not supported the case of the prosecution. Even as per the prosecution the incident said to have taken place during quarrel and there was no intention on the part of the petitioner commit murder of his father and the weapon alleged to have used is bamboo stick. Further medical opinion also does not support the case of the prosecution. The petitioner is in custody from the date of conviction. Further, there are several arguable points in favour of the petitioner, 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.

4. The respondent filed a detailed counter.

5. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, would submit that the petitioner is the sole accused in this case. This is a case of patricide. The petitioner had committed the murder of his father by doing a quarrel regarding partition of the property. The Doctor had opined that the victim died due to Hypovolemic shock and head injury. Though P.W.2 has turned hostile, she has spoken about the presence of the petitioner and the deceased inside the house and



CRL MP(MD) No.10787 of 2023

since no explanation has been given by the petitioner the trial court had rightly found the accused guilty for the offence.

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

7. It is a case of patricide. The occurrence had happened during the quarrel regarding the partition of family property. The weapon is also a bamboo stick. We are of the opinion that it is a fit case for grant of suspension of sentence.

8. Accordingly, the criminal miscellaneous petition is allowed and the 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 Judicial Magistrate, Thiruvadanai.
- ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the satisfaction Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.
- iii. The petitioner shall stay at Dindigul and report before the Inspector of Police, Dindigul Town Police Station, daily at 10.30 a.m. until further orders.



CRL MP(MD) No.10787 of 2023

iv. It is made clear that the petitioner shall not enter into the jurisdictional limits

WEB COPY

of the respondent Police Station until further orders.

sd/-

28/06/2024

/ TRUE COPY /

03/07/2024

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

AM

TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM.
- 2 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL MP(MD) No.10787 of 2023

WEB COPY
COPY TO:

THE INSPECTOR OF POLICE,
DINDIGUL TOWN POLICE STATION,
DINDIGUL

+1 CC to M/s.D.VENKATESH, Advocate (SR-7148[I] dated 28/06/2024)

ORDER
IN
CRL MP(MD) No.10787 of 2023
in
CRL A(MD)No.419 of 2023
Date :28/06/2024

SS/SAR- /03/07/2024/8P/9C

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