



CRL MP(MD) No.8328 of 2024

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

Wednesday, the Sixteenth 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 MP(MD) No.8328 of 2024
in
CRL A(MD) No.279 of 2023

1 MURUGANANTHAM

(*)2 CHELLAMUTHU

... Petitioners / Appellants

Vs

THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KULITHALAI, KARUR DISTRICT.
(CRIME NO.438/2020)

... 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 on the petitioners by the learned Principal District and Sessions Court, Karur in S.c.NO.1 of 2021 by the Judgment dated 22.11.2022 and enlarge the petitioners on bail pending disposal of the above Appeal.

Prayer in CRL A(MD) No.279 of 2023:

To call for records and allow this appeal and set aside the judgment and conviction dated 22.11.2022 passed by the Principal District and Sessions Court, Karur in S.C.No.1 of 2021 and acquit the appellants.



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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.V.KATHIRVELU, Senior Counsel for M/S. PRAGALATHAN.N, Advocate for the petitioners and of Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

A1 and A2 in S.C.No.1 of 2021 who were tried by the Principal District and Sessions Court, Karur and by judgment dated 22.11.2022 stood convicted for the offences punishable under Sections 341,302,506(ii) and sentence to life imprisonment for the substantial offence of 302 of IPC seek suspension of sentence.

2. It is the case of the prosecution that earlier on 24.04.2020 one Anbalagan was done to death who was a relative of the accused, the present petitioners.

3. But, however the deceased herein was not arrayed as accused in that particular First Information Report. The accused, according to the case of prosecution had taken decision to do away the life of the deceased herein. This statement of motive is however denied and disputed by the learned Senior Counsel appearing for the petitioners.

4. It is contended that this incident is a stand alone incident and has nothing to do with the murder of Anbalagan. The issue of motive will have to be examined only during the course of hearing the criminal appeal.



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5. Be that as it may, it is further pointed out by the learned Senior Counsel appearing for the petitioners that the incident is said to have happened in the mid-night at 12.30 am., The distance from the scene of crime to the police station is about 24kms but information was given to the police station @ 4.00 pm., and First Information Report in Crime No.438 of 2020 was registered for the offences under Sections 341,302 and 506(ii) of IPC.

6. It is further pointed out by the learned Senior Counsel from the evidence of P.W.11 Sub Inspector of Police, Kulithalai Police Station where First Information Report was registered, that the distance between the police station and the residential quarters of the learned Judicial Magistrate was just about 50meters and that a normal person could walk across the distance in five minutes time. But however the said First Information Report was received by the learned Magistrate No. I on his residential quarters as per Ex.P.15 the copy of the printed First Information Report only at 4.25 pm., on 08.05.2020 about nearly 12 hours later. This is an issue which to could be argued to the advantage of the petitioners herein during the course of hearing the criminal appeal.

7. In view of that particular fact since there are arguable points in the appeal, we are inclined to entertain this petition and to suspend the sentence imposed against the petitioners. Accordingly, this Criminal Miscellaneous Petition is



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ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 22.11.2022 is suspended subject to the following conditions:-

i. The petitioners are directed to be enlarged on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only), each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Principal Sessions Court, Salem

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 petitioners shall sign before the Principal Sessions Court, Salem on the first working day of every English Calendar month at 10.30 AM until further orders.

iv. It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

8. We have taken a considered decision that the condition should be complied with before the Principal Sessions Court, Salem since the accused in the other case had also been granted suspension of sentence with a direction to appear before the



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Principal Sessions Court at Karur on the first working day of every month and

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hence there could be a possibility of further hostility arising between the parties.

sd/-

16/10/2024

(*)For Corrected as per Order of this Hon`ble
Court dt.08/11/2024 in CrI.MP(MD).8328/2024
in CrI.A(MD).279/2023 by GRSJ & RPJ.

/ TRUE COPY /

11/11/2024

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

AAV

To

TO BE SUBSTITUTED WITH THE ORDER DT.16/10/2024 IS ALREADY
DESPATCHED

1.The Principal Sessions Judge,
Salem.

2.The Principal District and Sessions Judge,
Karur.

3.The Inspector of Police,
Kulithalai Police Station,
Kulithalai, Karur District.

4.The Superintendent,
Central Prison, Trichy.



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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-12520[I] dated 16/10/2024)

ORDER
IN
CRL MP(MD) No.8328 of 2024
in
CRL A(MD) No.279 of 2023
Date :16/10/2024

ED/ /SAR- (17/10/2024) 6P / 7C
IAS

SA/SAR. /11.11.2024/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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