



CRL MP(MD) No.9692 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Eleventh day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
and
The Hon`ble Ms.Justice R. POORNIMA

CRL MP(MD) No.9692 of 2024
in
CRL A(MD)No.32 of 2024

1 MURUGAN

2 THAVAESWARAN

... APPELLANTS/ ACCUSED No.1 & 2

Vs

THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT.
CRIME NO. 372/2018

... 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 of Imprisonment imposed by the learned Additional District (Fast Track) Judge, Theni in S.C no. 96/2019 by the Judgment dt. 30.11.2023 and enlarge the petitioners/ appellants on bail pending disposal of the above said Criminal Appeal.

PRAYER in CRL A(MD)No.32 of 2024:

To call for the records and to set aside the Judgment and Conviction dated 30.11.2023 by the Learned Additional District(Fast Track), Judge, Theni in S.C.No.96 of 2019 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 M/S.AZAGARSAMI.AK, Advocate for the petitioner and of Mr.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

Heard both sides.

2. The petitioners were convicted and sentenced to life imprisonment vide Judgment dated 30.11.2023 in S.C.No.96 of 2019 on the file of the Additional District (Fast Track) Judge, Theni.

3. The petitioners are father and son. Notice was ordered in this petition on 18.09.2024. The second petitioner (son of the first petitioner) committed suicide two months back. The first petitioner's mental condition is said to be not that sound. We are satisfied that the first petitioner has arguable points in the main appeal. There is no immediate prospect of this criminal appeal being disposed of in the near future. Hence, we are inclined to suspend the sentence imposed on the first petitioner.

4. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 30.11.2023 is suspended subject to the following conditions:-

i. The first petitioner is directed to be enlarged on bail on executing a bond for



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Rs.25,000/- (Rupees twenty five thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Additional District (Fast Track) Judge, Theni.

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

iii. The first petitioner shall report before the learned Additional District (Fast Track) Judge, Theni, in the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

5. This Criminal Miscellaneous Petition is allowed.

sd/-
11/11/2024

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12/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMI



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TO
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- 1 THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK), THENI.
- 2 THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION, THENI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.9692 of 2024
in
CRL A(MD)No.32 of 2024
Date :11/11/2024

SS/SAR- /12/11/2024/ 4P/5C

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