



CRL.M.P.(MD)No.9382 of 2024

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

Wednesday, the Twenty Third 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.M.P.(MD)No.9382 of 2024
in
CRL.A.(MD)No.559 of 2023

MOHAMMED MYDEEN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE OF TAMILNADU
REP. BY THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 279/2015)

... RESPONDENT/COMPLAINANT

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 and release the petitioner on bail pending disposal of this Criminal appeal before this Honble Court against the judgement in S.C.No. 603/2016 on the file of the Honble I Additional District and Sessions Court, Tirunelveli dated 31.01.2023.

Prayer in CRL.A.(MD)No.559 of 2023:

To call for the entire records connected to the judgment in S.C.No.603 of 2016 on the file of the Hon'ble I Additional District and Sessions Court, Tirunelveli dated 31.01.2023 and set aside the conviction and sentence imposed against the appellant.



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Order: This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of DR.R.ALAGUMANI, 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 accused in S.C.No.603 of 2016 on the file of the I Additional District and Sessions Court, Tirunelveli who had suffered an order of conviction for the offences punishable under Sections 449,294(b) and 302 of IPC by judgment dated 31.01.2023 and was sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.1000/- i/d to undergo one month simple imprisonment for the offence under Section 449 of IPC and sentence to undergo one month simple imprisonment for the offence under Sections 294(b) of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1000/- i/d to undergo one month simple imprisonment for the offence under Section 302 of IPC has filed this petition seeking to suspend the sentence alone.

2. It is the case of the prosecution that the petitioner herein and the deceased were neighbors. There is a wall separating the two houses.

3. It is contended that the deceased had the habit of watching TV raising the



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volume to a high level, which was objected to by the appellant on several occasions.

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There arose a quarrel earlier between both of them. On 14.06.2015 at around 9.30 pm., when the deceased was similarly watching TV again at high volume it is contended that the appellant entered into the house and again picked up a quarrel. This quarrel was spoken to by P.W.2/wife of the deceased. In her chief examination she had spoken that there was a wordy quarrel and that the quarrel escalated into violence with the accused slapping the deceased and later taking a knife and stabbing him on the chest. In her cross examination she stated that the quarrel went on for nearly for an hour before the violence happened.

4. At any rate it is stand alone incident and there are no antecedents as against the appellant herein.

5. Initially the First Information Report was registered under Section 307 of IPC, since the injured was lying in the hospital for three days. The occurrence was at 1.30 p.m., on 14.06.2015 and subsequently he died on 17.06.2015 at 4.30 pm., This would also indicate that the nature of injuries were not to that effect which would cause death.



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6. Taking into consideration all the facts and also considering the fact that the petitioner has been in custody from 31.01.2023, 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 31.01.2023 is suspended subject to the following conditions:-

- i. The petitioner is directed to be enlarged on bail on him executing a bond for Rs.25,000/- (Rupees twenty five thousand only), with two sureties, of whom, one should be a blood related surety, for a like sum to the satisfaction of the I Additional District and Sessions Court, Tirunelveli.
- 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 sign before the I Additional District and Sessions Court, Tirunelveli on the first working day of every English Calendar month at 10.30 A.M., until further orders.



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

sd/-
23/10/2024

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24/10/2024
Sub-Assistant Registrar (PA-I/ AD-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI.

2.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

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

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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-13107[I] dated 24/10/2024)

ORDER
IN
CRL.M.P.(MD)No.9382 of 2024
in
CRL.A.(MD)No.559 of 2023
Date :23/10/2024

RK (24/10/2024) 5P / 6C

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

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