



CRL MP(MD) No.9354 of 2024

WEB COPY

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

Thursday, the Fourteenth 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) Nos.9354 and 10143 of 2024
in
CRL A(MD) Nos.726 and 786 of 2024

SAKTHIVEL

... Petitioner / Appellant
in CRL MP(MD) No.9354 of 2024

ANBU @ ANBURAJ

... Petitioner / Appellant / Accused No.3
in CRL MP(MD) No.10143 of 2024

Vs

THE INSPECTOR OF POLICE,
THADICOMBU POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.102/2013).

... Respondent / Respondent
in both petitions

Prayer in CRL MP(MD). 9354/ 2024 :

To suspend the sentence imposed on the petitioner vide Judgment dated 19/7/2024 in SC No.276/2018 on the file of the Learned Additional District and Sessions Court, Dindigul and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

Prayer in CRL. A(MD) No.726 of 2024:

To call for the records relating to judgment of conviction dated 19.07.2024 in



CRL MP(MD) No.9354 of 2024

S.C.No.276 of 2018 on the file of the learned Additional District and Sessions Court, Dindigul and set aside the same and to allow this criminal appeal by acquitting the appellant.

Prayer in CRL MP(MD). 10143/ 2024 :

To enlarge the petitioner on bail to suspend the sentence imposed upon the petitioner in S.C.No. 276/2018 on the file of the Additional District and Sessions Judge, Dindigul dated 19.07.2024.

Prayer in CRL A(MD) No.786 of 2024:

To call for the records pertaining to the Sessions Case in S.C.No.276 of 2018 on the file of the Additional District and Sessions Judge, Dindigul dated 19.07.2024 and to acquit the appellant/accused from all the charges.

Order : These criminal miscellaneous petitions coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.T.ANTONY ARULRAJ, Advocate for the petitioner in CRL MP(MD) No.9354 of 2024 and Mr.C.M.ARUMUGAM, Advocate for the petitioner in CRL MP (MD) No.10143 of 2024 and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent in both petitions, the Court made the following order:-

Heard both sides.

2. The petitioners are figuring as accused Nos.2 and 3 in S.C. No.276 of 2018 on the file of the Additional District and Sessions Judge, Dindigul. They have been convicted by the learned Sessions Judge for the offence under Section 302 r/w. 34 IPC. and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, failing which, they have been directed to undergo six months simple imprisonment for the offence under Section 302 r/w. 34 IPC.

3. We went through the evidence on record. Even according to P.W.1, it was



CRL MP(MD) No.9354 of 2024

A1 Ashok Kumar who inflicted fatal stab injury on the victim. The victim died due to single stab injury. The first accused wanted to marry P.W.4 sister of the deceased and this is said to be the motive for the occurrence.

4. The overt act attributed to the petitioners herein is that they instigated the first accused to stab the victim. We are satisfied that the petitioners have arguable points on merits in the main appeal. The sentence imposed on the petitioners is suspended.

5. Accordingly, this Criminal Miscellaneous Petitions are ordered and the imprisonment ordered by the trial Court through the impugned judgment dated 19.07.2024 is suspended subject to the following conditions:-

i. The petitioners/ accused Nos.2 and 3 are directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Dindigul.

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 petitioners shall report before the learned Additional



CRL MP(MD) No.9354 of 2024

WEB COPY

District and Sessions Judge, Dindigul, in the first working day of every English calendar month at 10.30 a.m., until further orders and if they are not able to appear before the Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Court on any other day in lieu of the date of his absence, as directed by the Court.

sd/-
14/11/2024

/ TRUE COPY /

15/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PMU

To

- 1.The Additional District and Sessions Judge,
Dindigul.
- 2.The Inspector of Police,
Thadicombu Police Station,
Dindigul.
- 3.The Superintendent,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL MP(MD) No.9354 of 2024

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-13999[I] dated 14/11/2024)

WEB COPY

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-65146[F] dated 14/11/2024)

ORDER
IN
CRL MP(MD) Nos.9354 and 10143 of 2024
in
CRL A(MD) Nos.726 and 786 of 2024
Date :14/11/2024

ED/ /SAR- (15/11/2024) 5P / 7C

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