



CRL MP(MD) No.9737 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.9737 of 2024
in
CRL A(MD) No.871 of 2022

1 JOHN

2 KANNAN @ RED KANNAN

@ VASANTHARAJAN . .. Appellants / Accused No.1 & 2

Vs

THE INSPECTOR OF POLICE,
E-1 K.PUDUR POLICE STATION,
MADURAI

... 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 against the petitioners in S.C No. 439 of 2014 dt. 12.09.2022 passed by the learned 1st Addl District and Sessions Judge, Madurai and enlarge the petitioners on bail pending disposal of the above appeal.



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Prayer in CRL A(MD) No.871 of 2022:

To call for records in S.C.No.439 of 2014 dated 12.09.2022 passed by the learned I Additional District and Sessions Judge, Madurai and to set aside the same.

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.G.KARUPPASAMY PANDIYAN, Advocate for the petitioners 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 12.09.2022 on the file of the 1st Additional District and Sessions Judge, Madurai. They are in incarceration for more than two years.

3. We went through the testimony of P.W.1 and P.W.8. They are eye witnesses. They clearly depose that it was the first petitioner who stabbed the deceased with knife on his neck. As far as the second petitioner is concerned, no specific overt act is attributed to him.

4. We are satisfied that the case for grant of relief is made out as far as the second petitioner is concerned. The sentence imposed on the second petitioner is suspended. The petition for suspension of sentence filed by the first petitioner is dismissed.



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5. We are inclined to grant suspension of sentence as far as the second petitioner is concerned. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 12.09.2022 is suspended subject to the following conditions:-

i. The second 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 relative, each for a like sum to the satisfaction of the learned 1st Additional District and Sessions Judge, Madurai.

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 second petitioner shall report before the learned 1st Additional District and Sessions Judge, Madurai, 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.



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6. This Criminal Miscellaneous Petition is partly allowed.

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11/11/2024

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12/11/2024

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

RMI

To

1.The I Additional District and Sessions Judge,
Madurai.

2.The Inspector of Police,
E1 K.Pudur Police Station,
Madurai.

3.The Superintendent,
Central Prison, Madurai.

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

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-13798[I] dated
11/11/2024)

ORDER

IN

CRL MP(MD) No.9737 of 2024

in

CRL A(MD) No.871 of 2022

Date :11/11/2024



CRL MP(MD) No.9737 of 2024

ED/  /SAR- (12/11/2024) 5P / 6C

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