



CRL.M.P.(MD)No.9878 of 2024

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

Monday, the Eighteenth 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.M.P.(MD)No.9878 of 2024
IN
CRL.A.(MD)No.721 of 2023

NARENDRA PAL

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED 2

Vs

THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 357/2011

... RESPONDENT/RESPONDENT
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 Petitioner / Petitioner/ Appellant / Accused No.2 in S.C No. 102/2019 dt 20.04.2023 on the file of the learned III Additiona District Judge, Tirunelveli and enlarge him on bail till the disposal of the appeal.

Prayer in CRL.A.(MD)No.721 of 2023:

Pleased to call for the records relating to the judgment of conviction and sentence passed in SC.No.102/2019 dated 20.04.2023 on the file of the learned III Additional Sessions Judge, Tirunelveli and set aside the same against the appellant/accused and acquit him from all the charges leveled against him.

<https://www.judic.tn.gov.in/judis>



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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.GOPALA KRISHNA LAKSHMANA RAJ, Senior Counsel for M/S.VENKATESWARAN.R, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

Heard the learned Senior counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner is figuring as accused No.2 in S.C.No.102 of 2019 on the file of the III Additional Sessions Judge, Tirunelveli. He has been convicted by the learned Sessions Judge for the offence under Section 120B IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default of payment of fine, to undergo further period of one month simple imprisonment and under Section 302 r/w. 34 IPC, he was sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default of payment of fine, to undergo one month simple imprisonment and under Section 25(1AA) of the Arms Act 1959, he was sentenced to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default of payment of fine, to undergo one month Simple Imprisonment. He is in incarceration for the last one year and seven months.

3. The act of killing is attributed only to the first accused who is still absconding. The only allegation made against the petitioner is that he had supplied



the gun. The petitioner was out on bail throughout the trial.

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4. We are satisfied that the petitioner has arguable points in the main appeal.

The sentence imposed on the petitioner herein is suspended.

5. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment dated 20.04.2023 is suspended subject to the following conditions:-

i. The petitioner/ accused No.2 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 Judicial Magistrate, Sankarankovil.

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 petitioner shall report before the learned Judicial Magistrate, Sankarankovil, on 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 Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the



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Court on any other day in lieu of the date of his absence, as directed by
the Court.

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sd/-
18/11/2024

/ TRUE COPY /

19/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PMU

TO

1 THE III ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

5 THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.R.VENKATESWARAN, Advocate (SR-14173[I] dated 19/11/2024)



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ORDER
IN
CRL.M.P.(MD)No.9878 of 2024
IN
CRL.A.(MD)No.721 of 2023
Date :18/11/2024

SA/GSV/SAR. /19.11.2024/5P/8C

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