



CRL MP(MD) No.10156 of 2024

WEB COPY

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

Thursday, the Seventh 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.10156 of 2024
IN
CRL A(MD) No.787 of 2024

NAGARAJ

... PETITIONER/ APPELLANT/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 234/2013)

... RESPONDENT/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 imposed on the petitioner by the Learned Additional District and Sessions Court, Srivilliputhur, Virudhunagar S.C.No. 95/2014 dated 25.04.2024 and enlarge him on bail pending disposal of the Criminal Appeal.

Prayer in CRL A(MD) No.787 of 2024 :

To call for the records of the impugned judgment made in S.C.No.95 of 2014 on the file of the Learned Additional District and Sessions Court, Srivilliputtur, Virudhunagar dated 25.04.2024 and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.JEGADEESH PANDIAN, Advocate for the petitioner and of MR.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



CRL MP(MD) No.10156 of 2024

Heard both sides.

WEB COPY

2.The petitioner figured as A2 in S.C.No.95 of 2014 on the file of the Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District. Though he was charged for the offence under Section 302 IPC r/w Section 109 IPC and Section 201 of IPC, he was acquitted as far as the principal charge is concerned. He was found guilty only for the offence under Section 201 of IPC and sentenced to 7 years rigorous imprisonment. The petitioner is in incarceration since 25.04.2024.

3.We are satisfied that the petitioner has arguable case on merits in the main appeal. Since the appeal is not likely to be taken up in the near future, we are inclined to grant suspension of sentence.

4.Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 25.04.2024 is suspended subject to the following conditions:-

- i. The petitioner/second accused 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 Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District.
- 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



CRL MP(MD) No.10156 of 2024

to ensure their identity.

WEB COPY

iii. The petitioner shall report before the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District, 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.

sd/-

07/11/2024

/ TRUE COPY /

08/11/2024

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE, KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-13678[I] dated
07/11/2024)



WEB COPY



CRL MP(MD) No.10156 of 2024

ORDER

IN

CRL MP(MD) No.10156 of 2024

IN

CRL A(MD) No.787 of 2024

Date :07/11/2024

RS//SAR-(08.11.2024) 4P 6C

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