



CRL.M.P.(MD)No.10454 of 2024

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

Tuesday, the Tenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL.M.P.(MD)No.10454 of 2024

in

CRL.R.C(MD)No.948 of 2024

1 RAJAN
2 SELVARAJ
3 ANTHONIRAJ @ PRABAKARAN
4 SELVALEELA @ LEELA

... Petitioners/ Appellants /
Accused No. 1to4

Vs

THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.78 OF 2016.

... 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 by the Learned III Additional District and Sessions Judge, Tirunelveli in Crl.A.No.68 of 2022 dated 19.06.2024 conforming the Judgment in S.C.No.57 of 2018 dated 11.10.2022 passed by the Assistant Sessions Judge, Thirunelveli and release the Petitioners on bail pending disposal of the above Criminal Revision.

Prayer in CRL RC(MD). 948/ 2024 :

<https://www.mhc.tn.gov.in/judis> To set aside the Judgment passed by the Learned III Additional District and



CRL.M.P.(MD)No.10454 of 2024

Sessions Judge, Tirunelveli in Crl.A.No.68 of 2022 dated 19.06.2024 conforming the Judgment in S.C.No.57 of 2018 dated 11.10.2022 passed by the Assistant Sessions Judge, Thirunelveli and acquit the Petitioners from all the charges.

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.BHAGAVATH SINGH, Advocate for the petitioner and of M/s.M.VAIKAM KARUNANTHI, Government Advocate (Crl. Side), on behalf of the Respondents, while admitting, the Court made the following order:-

This petition has been filed to enlarge the petitioners on bail by suspending the sentence imposed upon them in Crl.A.No.68 of 2022 on the file of the III Additional District and Sessions Judge, Tirunelveli, dated 19.06.2024, confirming the conviction and sentence imposed in S.C.No.57 of 2018 on the file of the Principal Assistant Sessions Judge, Tirunelveli, dated 11.10.2022 pending disposal of the main criminal revision.

2.The brief facts of the case:

The learned counsel for the petitioners has submitted that a case has been registered against the petitioners/ A1 to A4 and another/ A5 in Crime No.78 of 2016 on the file of the respondent police/Inspector of Police, Tirunelveli Taluk Police Station, for the offences punishable under sections 147, 148, 341, 294(b), 324, 326, 307 and 506(ii) of IPC and the same was taken on file in S.C.No.57 of 2018 on the file of the Principal Assistant Sessions Court, Tirunelveli. After considering the evidences adduced on both sides, the trial Court convicted the petitioners for the offence under



CRL.M.P.(MD)No.10454 of 2024

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Sections 148 and 307 of IPC and sentenced them to undergo rigorous imprisonment for a period of 5 years each and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for a period of 3 months each U/s.307 of IPC and sentenced them to undergo rigorous imprisonment for a period of 2 years each and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for a period of 3 months each U/s.148 of IPC; A5 was convicted for the offence under Sections 147 and 342 of IPC and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month U/s.147 of IPC, and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month U/s.342 of IPC and directed the imprisonment to run concurrently.

3. Challenging the above said conviction and sentence, the petitioners and Accused No.5 have preferred the Criminal Appeal before the learned III Additional District and Sessions Judge, Tirunelveli in CrI.A.No.68 of 2022 and the same was dismissed on 19.06.2024 and confirmed the conviction and sentenced imposed by the trial Court in S.C.No.57 of 2018.

4. Aggrieved by the dismissal of appeal confirming the conviction and sentence, the petitioners/A1 to A4 have preferred the present Criminal Revision before this



CRL.M.P.(MD)No.10454 of 2024

Court and filed this petition for suspension of sentence.

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5. The learned counsel for the petitioners has submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars among the evidences of prosecution witnesses, specifically arguing that the injured stated before P.W.7 that the injured was attacked by 5 persons with aruval and stick and before P.W.9 the injured stated he was attacked by 10 persons whereas in Ex.P.5 - Wound Certificate the injured was attacked by two persons with aruval and by one person with stick. He would further submit that the petition in respect of the petitioners 2 and 3 is not pressed. Further, he would submit that the first petitioner is aged 68 years and the 4th petitioner is aged 63 years, who is a heart patient, so the petition for petitioners 1 and 4 may be considered.

6. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that there are enough materials available on record against the petitioners and prayed for dismissal of this petition.

7. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

8. The learned counsel for the petitioners pointed out certain infirmities and inconsistencies in the evidences of the prosecution case and also there are certain contradictions in the material evidences. However, these are to be decided while



CRL.M.P.(MD)No.10454 of 2024

deciding the criminal revision on merits. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future. Considering the age of the petitioners 1 and 4 and also in the above circumstances, this Court is of the considered view that the petitioners 1 and 4 herein are entitled to the relief of suspension of sentence.

9. Accordingly, the suspension of sentence petition is allowed in respect of the petitioners 1 and 4 and the sentence of the imprisonment alone is suspended against the petitioners 1 and 4 till the disposal of the main Criminal Revision Case on the following conditions:-

(i) The petitioners 1 and 4 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Principal Assistant Sessions Judge, Tirunelveli.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioners 1 and 4 shall appear before the trial Court once in a month i.e, on the first working day of every English Calendar month at 10.30 a.m until further orders;



CRL.M.P.(MD)No.10454 of 2024

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10. Insofar as petitioners 2 and 3 are concerned, this Criminal Miscellaneous Petition is dismissed as not pressed.

sd/-
10/12/2024

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10 / 12 /2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI,

2 THE PRINCIPAL ASSISTANT SESSIONS JUDGE,
TIRUNELVELI,

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

4 THE SUPERINTENDENT
CENTRAL PRISON MADURAI FOR WOMEN.

5. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI

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



CRL.M.P.(MD)No.10454 of 2024

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COPY TO

THE SECTION OFFICER,
CRIMINAL RECORD SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1 CC to M/s.G.BHAGAVATH SINGH, Advocate (SR-15158[I] dated 10/12/2024)

ORDER
IN
CRL.M.P.(MD)No.10454 of 2024
in
CRL.R.C(MD)No.948 of 2024
Date :10/12/2024

PSP/ /SAR /10.12.2024/ 7P/ 9C

Madurai Bench of Madras High Court is issuing certified
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