



CRL MP(MD) No.10697 of 2024

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

Monday, the Second day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE G.R.SWAMINATHAN
and
The HONOURABLE MS. JUSTICE R. POORNIMA

CRL MP(MD) No.10697 of 2024
IN
CRL A(MD) No.722 of 2023

RAMESH

... APPELLANT/ACCUSED

Vs

THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 36/2015.

... 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 vide judgment dt 07.06.2023 made in S.C.No.113/2017 on the file of the the Additional District Judge, (Fast Track Court) Kanyakumari at Nagercoil and enlarge him on bail pending disposal of the Crl.A

Prayer in CRL A(MD) No.722 of 2023 :

To call for the records and to allow this appeal and set aside the judgment, conviction and sentence passed by the Additional District and Sessions Judge (Fast Track Court), Kanyakumari District @ Nagercoil dated 07.06.2023 in S.C.No.113 of 2017.

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.C.MAYILVAHANA RAIENDRAN, Advocate for the petitioner and of MRE.ANTONY SAHAYA



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PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard both sides.

2. The petitioner is figuring as accused No.2 in S.C.No.113 of 2017 on the file of the learned Additional District and Sessions Judge(Fast Track Court), Kanyakumari District at Nagercoil. He has been convicted by the learned Sessions Judge for the offence under Section 302 IPC. and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default of payment of fine, to undergo further period of one year rigorous imprisonment. The petitioner is in incarceration since the date of judgment.

3. The case of the prosecution rests on the testimony of P.W.1, sister of the deceased. After carefully considering the contentions of the learned counsel on either side, we are satisfied that the petitioner has arguable points on merits in the mail appeal. This criminal appeal is not likely to be taken up in the near future. The sentence imposed on the petitioner is suspended.

4. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment dated 07.06.2023 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



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whom, one should be a blood relative, each for a like sum to the satisfaction of the

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learned Judicial Magistrate No.II, Nagercoil.

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 No.II, Nagercoil, 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 Court on any day, he 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/-
02/12/2024

/ TRUE COPY /

04/12/2024

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

PMU

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT),
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.



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3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE, KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-14807[I] dated
02/12/2024)

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-14842[I] dated
03/12/2024)

ORDER
IN
CRL MP(MD) No.10697 of 2024
IN
CRL A(MD) No.722 of 2023
Date :02/12/2024

RS/IT/SAR-(04.12.2024) 4P 9C
Madurai Bench of Madras High Court is issuing
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