



CRL MP(MD) No.10941 of 2024

WEB COPY

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.10941 of 2024
IN
CRL A(MD) No.838 of 2023

RAJAN @ PARAMARAJAN

... PETITIONER/1ST APPELLANT

Vs

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

... RESPONDENT/RESPONDENT

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 in Judgment dated 07.06.2023 made in S.C No. 113 of 2017 on the file of the Additional District and Sessions court (Fast Track Court) Kanniyakumari District at Nagercoil and enlarge the petitioner on bail.

Prayer in CRL A(MD) No.838 of 2023 :

To call for records and allow this appeal and set aside the judgment and conviction dated 07.06.2023 passed by the Additional District and Sessions Court (Fast Track Court), Kanniyakumari District at Nagercoil in S.C.No.113 of 2017 and acquit the appellants.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SANKAR.S,

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



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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 both sides.

2.The petitioner is figuring as accused No.1 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.1 is directed to be enlarged on bail on executing a



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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 No.III, 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.III, 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.

TO

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

2 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.



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

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

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.

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

+1 CC to M/s.S.KRISHNAN, Advocate (SR-14900[I] dated 04/12/2024)

ORDER
IN
CRL MP(MD) No.10941 of 2024
IN
CRL A(MD) No.838 of 2023
Date :02/12/2024

RS/IT/SAR-(04.12.2024) 4P 8C
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