



CRL MP(MD) No.11352 of 2024

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

Monday, the Sixteenth 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.11352 of 2024

IN
CRL A(MD) No.872 of 2024

SUNDAR RAJ

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.231/2018

... 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 by the Learned Additional District and Sessions Judge, Virudhunagar SC.No.111 of 2019 dated 22.08.2024 and enlarge the appellant on bail pending till the disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.872 of 2024 :

To call for the records pertaining to the judgment rendered by the Learned Additional District and Sessions Judge, Virudhunagar in S.C.No.111 of 2019 dated 22.08.2024 and set aside the same allowing the appeal.

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.S.M.A.JINNAH, Advocate for the petitioner and of MRE.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard both sides.



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2. The petitioner is figuring sole accused in S.C.No.111 of 2019 on the file of the I Additional District and Sessions Judge, Virudhunagar. 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.500/-, in default of payment of fine, to undergo further period of six months rigorous imprisonment.

3. The petitioner's counsel primarily pleaded for suspension of sentence on medical grounds. We directed the Dean, Government Rajaji Hospital, Madurai to file a report.

4. The Certificate issued by the Professor, Head of the Department of Oncology, Government Rajaji Hospital reads that the petitioner's illness is not curable and resistant to cancer treatment. That apart, we are satisfied that there are arguable points in the main appeal. The sentence imposed on the petitioner is suspended.

5. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment dated 22.08.2024 is suspended subject to the following conditions:-

i. The petitioner/ accused is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten 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, Virudhunagar.



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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 Additional District and Sessions Judge, Virudhunagar, 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/-

16/12/2024

/ TRUE COPY /

17/12/2024

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

PMU

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, VIRUDHUNAGAR.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

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

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ORDER

IN

CRL MP(MD) No.11352 of 2024

IN

CRL A(MD) No.872 of 2024

Date :16/12/2024

RS/IT/SAR-(17.12.2024) 4P 5C

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