



CRL MP(MD) No.14279 of 2023

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.14279 of 2023

in

CRL A(MD) No.915 of 2023

1 MANOKARAN
2 MANIVANNAN @ MANI
3 KARTHIK
4 ELANGO VAN
5 GUNASEKARAN
6 THIYAGARAJAN
7 RAVICHANDRAN
8 RAMADOSS
9 N.ANBAZHAKAN
10 SILAMBARASAN

... Petitioners / Appellants

Vs

THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.86/2020).

... Respondent / Respondent

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 in the judgment of conviction and sentence dated 11/9/2023 in SC No.89/2020 on the file of the learned Additional District and Sessions Judge (Fast Track Court) Kumbakonam and enlarge the petitioners/appellants on bail pending above criminal appeal.



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Prayer in CRL A(MD) No.915 of 2023:

To call for the records and set aside the judgment of conviction and sentence dated 11.09.2023 in S.C.No.89 of 2020 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam.

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.SHANMUGANATHAN VR, Advocate for the petitioners and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioners have filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against them by the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam in S.C.No.89 of 2020 dated 11.09.2023 and to enlarge them on bail, pending disposal of the Criminal Appeal.

2. According to the prosecution, on 11.02.2020 at about 3.00 p.m., the petitioners/accused have interfered with the operation of harvesting machine in the lands of one Anjammal and that the quarrel erupted between the parties. Subsequently, the petitioners/accused abused and attacked one Kalyanakumar (P.W.1) and his maternal uncle Kalimuthu, pursuant to which, the said Kalimuthu was succumbed to the injuries. Thereafter, based on a complaint preferred by Kalyanakumar (P.W.1), a case has been registered in Crime No.36 of 2020 on the file of the respondent police and the same was taken on file in S.C.No.89 of 2020 before the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam



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The petitioners were convicted and sentenced by the trial Court as follows:-

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(a) The petitioners were convicted and sentenced under Section 147 of IPC to undergo two years Simple Imprisonment and to pay a fine of Rs.500/- with three months Simple Imprisonment in case of default;

(b) The petitioners were convicted and sentenced under Section 341 of IPC to pay a fine of Rs.500/- with one month Simple Imprisonment in case of default;

(c) The petitioners were convicted and sentenced under Section 304(ii) of IPC to undergo ten years Simple Imprisonment and to pay a fine of Rs.5,000/- with one year Simple Imprisonment in case of default.

3. Learned counsel for the petitioners submitted that the petitioners/accused were in incarceration from 11.09.2023 and that they are the agricultural coolies and sole breadwinners of their respective families. There is no bad antecedents against the petitioners/accused. He further submitted that there are some arguable points involved in the criminal appeal and that the Court below has failed to appreciate the fact that the prosecution has not proved through any of the witnesses that the petitioners/accused have committed the alleged offence under Section 304 (ii) of IPC with a common intention/knowledge that it will cause or likely to cause death to the deceased and hence, he prays for grant of suspension of sentence to the petitioner.



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4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor would submit that there are overtact against the Accused Nos.1 to 5 and not against the other Accused Nos.6 to 10. Accused Nos.6 to 10 are members of unlawful assembly and Accused Nos.1 to 5 had kicked and punched the deceased thereby caused internal injuries. Therefore, there are enough materials available on record against the petitioners and hence, opposed for allowing the petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the arguable points involved in the appeal and the nature of offence, this Court is of the prima facie view that the sentence imposed on the petitioners/accused Nos.6 to 10 herein alone is to be suspended pending this appeal.

7. Accordingly, this Criminal Miscellaneous Petition is partly allowed. The sentence imposed on the petitioners/accused Nos.6 to 10 herein by the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam in S.C.No.89 of 2020 dated 11.09.2023 alone is suspended subject to the following conditions:-

i) The petitioners 6 to 10 shall execute a bond for a sum of

Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each



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for a like sum to the satisfaction of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam.

ii) The petitioners 6 to 10 shall appear and sign before the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, on the 1st and 15th working day of every English calendar month at 10.30 a.m., until further orders.

iii) In case, if the petitioners 6 to 10 are unable to appear before the Court on the 1st and 15th working day of a month, they shall appear on the next working day.

iv) The petitioners 6 to 10 shall furnish their residential address and mobile numbers to the Trial Court ie., learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam.

8. Subject to the above conditions, this Petition is partly allowed.

sd/-
30/01/2024

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/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN



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To

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1.The Additional District and Sessions Judge,
(Fast Track Court),
Kumbakonam.

2.The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.

3.The Superintendent,
Central Prison,
Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-1276[I] dated 31/01/2024
)

ORDER
IN
CRL MP(MD) No.14279 of 2023
in
CRL A(MD) No.915 of 2023
Date :30/01/2024

ED/ /SAR- (31/01/2024) 6P / 6C

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