



CRL MP(MD) No.16511 of 2023

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

Wednesday, the Fourteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and
The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

CRL MP(MD) No.16511 of 2023
in
CRL A(MD) No.1030 of 2023

ARUMUGAM

... Petitioner / Appellant / Accused No.1

Vs

THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.81/2014)

... 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 Principal District and Sessions Judge Sivagangai in SC No.148/2014 dt 01.03.2023 and release the petitioner on bail pending disposal of the above criminal appeal.

Prayer in CRL A(MD) No.1030 of 2023:

To call for the entire records connected with the proceedings of the judgment



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of conviction passed by the learned Principal District and Sessions Court, Sivagangai in S.C.No.148 of 2014 dated 01.03.2023 and set aside the same and acquit the appellant 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.V.R.BALASUBRAMANIAM, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent the Court made the following order:-

This petition has been filed seeking to suspend the sentence imposed on the petitioner in SC No.148/2014 vide judgment dated 01.03.2023. The petitioner, who was arrayed as A1 in SC No.148/2014 was convicted by the learned Principal District and Sessions Judge, Sivagangai, for offence under Section 302 IPC and sentenced to undergo life imprisonment and also to pay a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment. The appeal is now pending.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

4. Let us not enter into the other facts, but, it is seen that the conviction is based on the dying declaration of the deceased, which was recorded by the learned Judicial Magistrate No.I, Sivagangai. Infirmities in the recording of such dying declaration had been pointed out by the learned counsel for the petitioner. The



examination of the same can be at the time of hearing of the appeal.

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5. Taking into consideration of all the factors and also the fact that the petitioner had been suffering incarceration after being convicted for the past one year and 8½ months, this Court is inclined to consider suspension of sentence for the petitioner. The hearing of the appeal may not be possible in the immediate next months.

6. In view of the above, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.148 of 2014 dated 01.03.2023 subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned District and Sessions Judge, Sivagangai;
- (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



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(iii) The petitioner shall appear before the concerned Court on the first working day of every month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
14/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR

To

1.The Principal District and Sessions Judge,
Sivagangai.

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.

3.The Superintendent,
Central Prison, Madurai.

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



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+1 CC to M/s.V.R.BALASUBRAMANIAM, Advocate (SR-9947[I] dated 14/08/2024)

ORDER
IN
CRL MP(MD) No.16511 of 2023
in
CRL A(MD) No.1030 of 2023
Date :14/08/2024

ED/ VR /SAR- (16/08/2024) 5P / 6 C

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