



CRL MP(MD) No.330 of 2023

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

Friday, the Twenty First day of June Two Thousand and Twenty Four

PRESENT

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
and
The Hon`ble Mr.Justice K. RAJASEKAR**

**CRL MP(MD) No.330 of 2023
IN
CRL A(MD)No. 17 of 2023**

SARAVANAN

... PETITIONER/ APPELLANT

Vs

**THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.5 OF 2018.**

... 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 of Imprisonment imposed by the III-Additional District and Sessions Judge,Pattukottai in SC.No.87 of 2018 dt.3.9.2022 and enlarge the Petitioner/ Appellant on bail,pending disposal of the above said Criminal Appeal.

PRAYER IN CRL A(MD)No. 17 of 2023:

To call for the records set aside the conviction and sentence recorded against him by judgment dated 03.09.2022, by III Additional District and Sesions Judge, Pattukottai in S.C.No. 87 of 2018 and acquit the appellant.



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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 MR.M.KARUNANITHI, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present petition has been filed by the appellant/accused to suspend the sentence imposed on him by the learned III Additional District and Sessions Judge, Pattukottai in SC.No.87 of 2018.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence imprisonment	of Fine amount
506(ii) of IPC	To undergo 12 months Rigorous imprisonment	Rs.1000/-, in default to undergo one month simple imprisonment.
302 I.P.C.	To undergo imprisonment	life Rs.3,000/- in default to undergo three months rigorous imprisonment
The sentences shall run concurrently		

3. The case of the prosecution is that the deceased and his son Riaz Khan were running a grocery shop, where P.W.2 was working as a Labour. The accused often used to purchase things in the said shop in cash and credit basis. One month prior to the occurrence while the deceased and P.W.1 asked the deceased to pay the balance



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amount the accused without repaying the amount uttered that having run the shop in his village insisting to pay the balance amount. Under these circumstances on 06.01.2018 at about 3.30 pm., while the deceased, his Son/P.W.1 and P.W.2 were in the shop the accused with the intention to kill the deceased came to the shop of the deceased with knife and asked things from the shop but the deceased refused to give things and told him that he will give things only he repays the balance amount. Hence the accused scolded him in filthy language, damaged the bottles in the shop and tried to attack the deceased with knife. On seeing the same, P.W.3 to P.W.6 attempted to prevent the accused, he threatened them with dire consequences by showing knife and stabbed the deceased with knife causing his death.

4. Learned counsel appearing for the petitioner would submit that even as per the case of prosecution the incident said to have taken place during sudden quarrel. The injuries inflicted is also single stab injury and even as per the investigation officer, even prior to the registration of the case, the weapon was recovered from the shop of the deceased. He would reiterate that there was no intention to commit murder and offence had happened due to sudden provocation during quarrel. He would also submit that the petitioner is in custody from the date of judgment hence he seeks for indulgence of this court.



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5. Learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the deceased was running is running a grocery shop and the accused had purchased groceries on loan, since he had not paid the amount, there was no quarrel and during such time the petitioner had inflicted single stab injuries with knife on the body, thereby he would vehemently oppose for grant of bail to the petitioner.

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

7. It is seen that the occurrence said to have taken place due to sudden provocation. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration and also taking into consideration the facts and circumstances of the case, we are inclined to suspend the sentence imposed on the petitioner by the Trial Court pending the Appeal.

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment imposed on the petitioner herein alone is suspended pending the Appeal, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for

Rs.25,000/- (Rupees twenty five thousand only) with two sureties, of whom, one



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should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Orathanadu

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Committal Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall stay at Dharmapuri and report before the Inspector of Police, Dharmapuri Police Station every day at 10.30 am., until further orders.

iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
21/06/2024

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25/06/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, PATTUKOTTAI.

2 THE JUDICIAL MAGISTRATE,
ORATHANADU



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- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION, THANJAVUR DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- COPY TO
THE INSPECTOR OF POLICE
DHARMAPURI POLICE STATION, DHARMAPURI.

ORDER
IN
CRL MP(MD) No.330 of 2023
IN
CRL A(MD)No. 17 of 2023
Date :21/06/2024

PKP/25.06.2024/ 6P/ 8C
Madurai Bench of Madras High Court is issuing certified
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