



CRL MP(MD) No.12020 of 2024

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

Friday, the Sixth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) No.12020 of 2024

IN

CRL A(MD) No.961 of 2024

MARIMUTHU

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.450/2017

... 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 passed in Judgment dated 21.10.2024 by the learned Sessions Judge cum Fast Track Mahila court, Dindigul in S.C No. 86/2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.961 of 2024 :

To call for the records and set aside the sentence and conviction imposed by the Learned Sessions Judge cum Fast Track Mahila Court, Dindigul on 21.10.2024 in S.C.No.86/2021 under section 307 IPC (2 Counts).

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.MOHAN.N, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-



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This petition has been filed to suspend the sentence imposed on the petitioner by the learend Sessions Judge-cum-Fast Track Mahila Court, Dindigul, in S.C.No.86 of 2021 dated 21.10.2024.

2.The case of the prosecution is that on 25.12.2017, the petitioner's father had grazed the cattle in the land belonged to the complainant. Therefore, the father of the complainant had warned the petitioner's father. Due which, there was an altercation arose between them. In continuation of the said altercation, the petitioner herein has went to the complainant's land made quarrel with the complainant's father and stabbed him with knife. To obstruct the same, the mother of the complainant came, the petitioner had stabbed the mother of the complainant also and flew away from the occurrence place by thrown of his knife. Therefore, the complainant's parents were taken to the Government Hospital, Palani and shifted to the Government Rajaji Hospital, Madurai for further treatment.

3.On the basis of the complaint lodged by P.W.1, a case came to be registered in Crime No.450 of 2017 for the offences punishable under Sections 447, 294(b) and 307 (2counts) of IPC.

4.The respondent police, after completing the investigation, has laid a final report for the offences punishable under Sections 447, 294(b) and 307 (2counts) of IPC. The same was taken on file in S.C.No.86 of 2021, on the file of the learend



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Sessions Judge-cum-Fast Track Mahila Court, Dindigul.

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5. During trial, the prosecution has examined 11 witnesses as P.W.1 to P.W.11 and exhibited 11 documents as Ex.P.1 to Ex.P.11 and marked 1 Material Objects as M.O.1. On the side of the appellant 2 witnesses were examined as D.W.1 and D.W.2.

6. The learned Sessions Judge-cum-Fast Track Mahila Court, Dindigul, after full-fledged trial, has passed the judgment in S.C.No.86 of 2021, dated 21.10.2024 and convicted the petitioner/accused for the offence under Section 307(2 counts) of IPC and sentenced him to undergo 4 years Rigorous Imprisonment for each count and to pay a fine of Rs.5,000/- (for each count), in default, to undergo 6 months Simple Imprisonment. Aggrieved over the above said conviction and sentence, imposed by the Court below, the petitioner preferred the present Criminal Appeal along with the present Criminal Miscellaneous Petition seeking for suspension of sentence.

7. The learned counsel for the petitioner would submit that the petitioner is innocent and he has no previous antecedents and there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner is surrendered and he is in custody from 22.10.2024. Hence, he seeks suspension of sentence.

8. The learned Government Advocate (Criminal Side) appearing for the



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respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed this petition.

9.This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

10.Considering the submission of the learned counsel for the petitioner that the dispute between the parties arose during the course of cattle grazing in the field and he is also pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. Hence, this Court prima facie satisfied that there are arguable points involved in this Criminal Appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are in custody from 22.10.2024, hence, the petitioner is entitled to the relief of grant of suspension of sentence.

11. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learend Sessions Judge-cum-Fast Track Mahila Court, Dindigul.

(ii) The sureties shall affix his photographs and Left Thumb Impression in the



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surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass

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Book to ensure his identity; and

(iii) The petitioners shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-

06/12/2024

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/12/2024

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

sbn

TO

1 THE SESSIONS JUDGE CUM FAST TRACK MAHILA COURT,
DINDIGUL.

2 THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

+1 CC to M/s.N.MOHAN, Advocate (SR-15012[I] dated 06/12/2024)



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ORDER

IN

CRL MP(MD) No.12020 of 2024

IN

CRL A(MD) No.961 of 2024

Date :06/12/2024

RS/IT/SAR-(10.12.2024) 6P 6C

Madurai Bench of Madras High Court is issuing
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