



Crl.M.P.(MD) No.15711 of 2023

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

Wednesday, the Twenty Fourth day of July Two Thousand and Twenty Four

PRESENT

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

Crl.M.P.(MD) No.15711 of 2023
in
Crl.A.(MD) No.990 of 2023
and
Crl.M.P(MD)No.17955 of 2023
in
Crl.A(MD)No.964 of 2023
and
Crl.M.P(MD)No.7348 of 2024
in
Crl.A(MD)No.500 of 2024

SENTHIL

... PETITIONER/ APPELLANT
IN CRL MP(MD)No.15711/2023

1.NATTAMAI @ NATARAJAN

2.KANAGARAJ

3.HARIKRISHNAN

...APPELLANTS/ ACCUSED NO.4,6&11
IN CRL MP(MD)NO.17955/2023

ILAYARAJA

...PETITIONER/ APPELLANT
IN CRL MP(MD)NO.7348/2024

Vs



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THE INSPECTOR OF POLICE
W/SAMAYAPURAM POLICE STATION,
TRICHIRAPPALLI DISTRICT.
IN CRIME NO.665/2015.

... RESPONDENT/RESPONDENT
IN ALL CASES

Prayer in Crl.M.P.(MD) No.15711 of 2023:

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 on the 1st Petitioner/1st Appellant in SC No.245/2018 dt.25/9/2023 on the file of II Additional District and Sessions Court, Trichy and enlarge him on bail pending disposal of the instant Crl.A.

PRAYER IN Crl.A.(MD) No.990 of 2023:

To admit the appeal preferred byt his Appellant/ Accused No.13 and call for the records and set aside the conviction and sentence imposed on the Appellant in S.C.No.245 of 2018 date 25.09.2023 on the file of Learned II Additional District and Sessions Judge, Tiruchirappalli.

Prayer in CRL MP(MD). 17955/ 2023 :

To Suspend the Sentence imposed on the Petitioners/Appellants passed in SC.No.245 of 2018,on the file of the Learned II-Additional District and Sessions Judge,Tiruchirappalli dt.25.9.2023 pending disposal of the Criminal Appeal.

PRAYER IN Crl.A(MD)No.964 of 2023:

To call for the records in S.C.No.245 of 2018 on the file of the Learned II Additional District and Sessions Judge, Tiruchirappalli, and set aside the order of conviction and sentence dated 25.09.2023.

Prayer in CRL MP(MD). 7348/ 2024 :

To suspend the sentence imposed by the learned II Additional District and Sessions Judge, Trichirappalli in SC.No.245/2018 dt 25.09.2023 and enlarge the petitioner on bail by allowing this petitioner pending disposal of the above Crl.A

PRAYER IN Crl.A(MD)No.500 of 2024:

To call for the records from the Trial Court and set aside the judgment passed by the Learned II Additional District and Sessions Judge, Trichirappalli in S.C.No.245 of 2018 dated 25.09.2023 by allowing this appeal.



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Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.G.SETHU SURENDHAR, Advocate for the petitioner in CRL MP(MD)No.15711 of 2023 and MR.N.ANANTHA PADMANABHAN, Senior counsel for MR.S.SRIKANTH, Advocate for the Petitioners in CRL MP(MD)No.17955/2023 and MR.S.VINAYAK, Advocate for the petitioner in CRL MP(MD)NO.7348 OF 2024 and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor in all cases , on behalf of the Respondent the court made the following order:-

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

Seeking to suspend the sentence imposed on the petitioner by the learned II Additional District and Sessions Judge, Trichirappalli, vide Judgment dated 25.09.2023 in S.C.No.245 of 2018, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
120(B) r/w 302 I.P.C.	To undergo life imprisonment	Rs.2000/-

3. The case of the prosecution is that the deceased was an Advocate and during 1996 to 2011, he was the Panchayat President of Madakudi Panchayat and there was enmity regarding Panchayat election between him and A1. The deceased along with



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others had committed murder of A1's brother's son. A2 and A3 had been duped by the deceased in the real estate business and as such, they had a grudge against the deceased. While that being so, on 16.12.2015, at about 08.50 p.m., near Samayapuram Main Road, A1, A6, A10 to A12 had cut the deceased indiscriminately. Three months prior to the said occurrence, there was a conspiracy to the said murder, in which, the petitioners had participated.

4. Learned Senior Counsel appearing for the petitioners would submit that the petitioners Senthil-A13 (Crl.M.P(MD)No.15711 of 2023, Nattamai @ Natarajan-A4 (Crl.M.P(MD)No.17955 of 2023) and Ilayaraja-A2 (Crl.M.P(MD)No.7348 of 2024) are implicated in this case as conspirators. Insofar as the A13 Senthil is concerned he has been implicated based on the evidence of P.W.17 (Kamal), who is said to be close relative of the deceased. Though P.W.17 is stated to be a close relative of the deceased, he had not informed about the conspiracy immediately to the respondent-police and had informed the same only after two weeks of the occurrence, thereby, his evidence cannot be given credit to. Likewise, A4 has been implicated based on the evidence of P.W.10 and P.W.17 and A2 has also been implicated based on the evidence of P.W.15 and they have also informed to the police only after very long delay and thereby, their evidence regarding the conspiracy cannot be given credit to.



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Further, the motive and previous enmity is attributed as against A1 and even as per the prosecution case, A1, A6, A10 to A12 are the persons stated to be the assailants. Further, there are several arguable points in favour of the petitioner and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.

5. The learned counsel appearing for the petitioner in Crl.M.P(MD)No.17955 of 2023 is not pressing the application in respect of the accused Nos.6 & 11. Hence, this application is dismissed as withdrawn in respect of petitioners 2 & 3/ A6 & A11.

6. The respondent – Police has filed a detailed counter affidavit.

7. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that though P.W.15 has deposed that he had informed about the conspiracy only after two weeks of the occurrence, he has also deposed that out of fear to the accused, he had not informed the same immediately to the respondent – Police.

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



on record.
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9. Having gone through the records and taking into consideration the facts and circumstances of the case that the petitioners viz., Senthil A13, Nattamai @ Natarajan A4 and Ilayaraja A2 have been implicated based on the evidence of P.W.10, P.W.15 and P.W.17, who are witnesses for conspiracy and they despite being related to the deceased are stated to have informed the same to the police belatedly and further the motive of previous enmity is attributed as against A1 and A1, A6, A10 to A12 are said to be the assailants, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioners viz., Senthil A13, Nattamai @ Natarajan A4 and Ilayaraja A2.

10. Accordingly, these criminal miscellaneous petitions are allowed and the substantive sentence of imprisonment alone imposed on the petitioners/ A13, A4 and A2 herein is suspended, subject to the following conditions:

- i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned learned II Additional District and Sessions Judge, Trichirappalli.



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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 passbook to ensure their identity.

iii. The petitioners shall stay at Chennai and report before the Inspector of Police, Esplanade Police Station, Chennai, daily at 10.30 a.m., until further orders.

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

sd/-
24/07/2024

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26/07/2024
Sub-Assistant Registrar (PA-I/AD-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM

TO

1.THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TRICHIRAPPALLI.

2.THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

3.THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION, TRICHIRAPPALLI DISTRICT.

4. THE INSPECTOR OF POLICE, ESPLANADE POLICE STATION, CHENNAI,
<https://www.mhc.tn.gov.in/judis>



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

+1 CC to M/s.M/S.G.SETHU SURENDHAR, Advocate (SR-8520[I] dated 24/07/2024)

+1 CC TO M/S.APN LAW ASSOCIATE, Advocate SR No.8521 dated 24.07.2024

+1 cc to MR.S.VINAYAK, Advocate SR No.8510 dated 24.07.2024

ORDER IN
Crl.M.P.(MD) No.15711 of 2023
in Crl.A.(MD) No.990 of 2023
and Crl.M.P(MD)No.17955 of 2023
in Crl.A(MD)No.964 of 2023
and Crl.M.P(MD)No.7348 of 2024
in Crl.A(MD)No.500 of 2024
Date :24/07/2024

RK (26/07/2024) 8P / 9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023