



CRL MP(MD) No.12826 of 2024

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

Friday, the Twenty Ninth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) No.12826 of 2024

IN

CRL A(MD) No.1037 of 2024

1 AROKIYASAMY @ MANI

2 RAVIROMASCHARLES

3 REGINAMARI

... APPELLANTS/PETITIONER/ACCUSED NO.1, 2 & 3

Vs

THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.

CRIME NO.692/2020

... RESPONDENT/RESPONDENT/COMPLAINANT

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 3rd petitioner by the Learned II Additional District and Sessions Judge, Tiruchirappalli in SC No.04/2021 dt.07.11.2024 and release the 3rd petitioner on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.1037 of 2024 :

To call for records and set aside the judgment passed by the Learned II Additional District and Sessions Judge, Tiruchirappalli in S.C.No.04 of 2021 dated 07.11.2024 and acquit the appellants herein.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.J.EBINEZAR CHARLES, Advocate for the petitioners and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the

<https://www.mhc.tn.gov.in/judis>



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following order:-

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This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the third petitioner in S.C.No.04 of 2021, dated 07.11.2024, by the learned II Additional District Sessions Judge, Tiruchirappalli, and enlarge the third petitioner on bail till the disposal of this Criminal Appeal.

2.The case of the prosecution is that on 24.05.2020, due to previous enmity regarding the land dispute, the defacto complainant gave a complaint against the petitioners and the respondent Police enquired the matter and the respondent Police warned both of them to solve the matter before the Revenue Department. Thereafter, on 24.05.2020, at 02.00 hours the defacto complainant and his son came to their house, at that time, the petitioners and other accused said to have abused them in filthy language and also assaulted the defacto complainant's right head with Aruval and caused blood injury and assaulted the defacto complainant's son with leg, due to which, the defacto complainant's son sustained serious injury and died. Hence, the defacto complainant lodged a complaint before the respondent Police.

3.On receipt of the complaint, the respondent Police registered a case in Crime No.692 of 2020 for the offence under Sections 147, 148, 294(b) 324, 302, 342 of IPC r/w 149 of IPC, against the petitioners and other accused. The respondent Police, after completing the investigation has filed the final report and the same was taken on file



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in P.R.C.No.6 of 2020, by the learned Judicial Magistrate, Manapparai. The same was sent to the Principal District and Sessions Judge for further enquiry. The same was taken on file in S.C.No.4 of 2021, by the II Additional District and Sessions Judge, Tiruchirappalli.

4.During the trial, the prosecution has examined 18 witnesses as P.W.1 to P.W.18 and exhibited 15 documents as Ex.P.1 to Ex.P.15 and marked M.O.1. On the side of the defence, neither a witness was examined and exhibited 2 documents as Ex.D1 and Ex.D2.

5.The learned II Additional District and Sessions Judge, Tiruchirappalli, after full-fledged trial has passed the judgment in S.C.No.4 of 2021, dated 07.11.2024, and acquitted the petitioners/accused for the offence under Section 148 and 294(b) and Accused Nos.3 to 5 for the offence under Section 149 and 302 of IPC and Accused No.4 and 5 for the offence under Section 342 of IPC and convicted the first petitioner for the offence under Sections 324 of sentenced to undergo one year Rigorous Imprisonment and to pay fine of Rs.1000/-, in default to undergo three months Rigorous Imprisonment, convicted the first and second petitioner for the offence under Section 304 II of IPC and sentenced to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months Rigorous Imprisonment, and convicted third petitioner for the offence under Section 342 of IPC



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and sentenced her to undergo one year Rigorous imprisonment and to pay fine of Rs.1,000/- in default to undergo 3 months rigorous imprisonment. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the third petitioner preferred the present Criminal appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

6.The learned counsel for the petitioners submitted that the sentence imposed on the third petitioner was suspended by the trial Court in Cr.M.P.No.6039 of 2024 dated 07.11.2024. Hence, he seeks the suspension of sentence of imprisonment in favour of the third petitioner alone.

7.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the the learned trial Judge acquitted the third petitioner for the major offence. Further, the learned trial Judge suspended the sentence imposed against the third petitioner for the period of one month in Cr.M.P.No.6039 of 2024 dated 07.11.2024.

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

9.Considering the facts and circumstances of the case and also considering the fact that the trial judge acquitted the third petitioner/accused for the major offence and the sentence imposed on the petitioner was suspended by the trial Court in



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Cr.M.P.No.6039 of 2024 dated 07.11.2024 and there was no antecedent against the third petitioner and there are some arguable points involved in the criminal appeal, the third petitioner is entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence is granted to the 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 learned II Additional District and Sessions Judge, Tiruchirappalli;

(ii) The sureties shall affix her photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank Pass Book to ensure her identity; and

(iii) The third petitioner shall appear before the trial Court daily at 10. 30. a.m., till the disposal of the appeal.

Hence, this special circumstances not applicable to the other accused/ A1 and A2.

sd/-
29/11/2024

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/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, TRICHY.

2 THE INSPECTOR OF POLICE, VAIAYAMPATTI POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-14703[I] dated 29/11/2024)

ORDER

IN

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IN

CRL A(MD) No.1037 of 2024

Date :29/11/2024

RS/VR/SAR-(11.12.2024) 6P 5C

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