



CRL MP(MD) No.17060 of 2023

WEB COPY

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

Tuesday, the Third day of September 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.17060 of 2023
in
CRL A(MD)No.1066 of 2023

ATHINAMILAGI
(NOW CONFINED AS LIFE CONVICT
IN TRICHY CENTRAL PRISON)

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
VALANADU POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.6/2023).

... 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 against the appellant in SC No.92/2022 dt.23/3/2023 on the file of the Honble III Additional District and Sessions Judge, Tiruchirappalli and release him on bail till the disposal of the Criminal Appeal.

PRAYER in CRL A(MD)No.1066 of 2023:

To call for the entire records connected to the judgment in S.C.No.92 of 2022 dated 23.03.2023 on the file of the Hon'ble III Additional District and Sessions Judge, Tiruchirappalli and set aside the conviction and sentence imposed against the appellant.



CRL MP(MD) No.17060 of 2023

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.R.ALAGUMANI, Advocate for the petitioner and of Mr.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking to suspend the execution of sentence imposed on the petitioner/accused by the learned III Additional District and Sessions Court, Tiruchirappalli in S.C.No.92 of 2022 by judgment, dated 23.03.2023. The petitioner had been convicted for the offence under Section 302 IPC to undergo life imprisonment and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for one year.

2. The learned counsel for the petitioner took the Court through the facts of the case. He stated that the petitioner had an existing property dispute with the father-in-law of the deceased. There were earlier occasions when there was a quarrel between the two of them. It must be kept in mind that the petitioner/sole accused was aged about 50 years at the time of filing of the petition in the year 2023. On 10.01.2023, the deceased and his wife had come to the common well to bathe. The petitioner claimed title and ownership over the said Well. There was a wordy quarrel at that particular point of time which escalated into violence. It is stated that with an Aruval, the petitioner had given a single blow to the deceased, who suffered



CRL MP(MD) No.17060 of 2023

WEB COPY
a fatal injury. There are two contradictory evidences available about the place from where the injured body of the deceased was recovered. There is a evidence that the body was recovered near the Well and there is also a evidence that the injured body was recovered in front of the house of P.W.3. This contradiction in the place of the recovery of the injured body had been pointed out by the learned counsel for the petitioner.

3. It had been further pointed out that this occurrence had taken place at 9.00 a.m., but the First Information Report was registered only at 4.00 p.m., on the same day and the FIR had reached the Judicial Magistrate Court at 8.30 p.m. Even though the delay between the registration of FIR and the time period of it reaching the Judicial Magistrate may not be significant, the delay in lodging the FIR assume significance, since the deceased did not die on the spot, but rather died in the hospital and there are no records to show that information from the hospital had been forwarded to the jurisdictional Police Station, though, obviously it is a medico legal case.

4. It is further contended by the learned counsel that though the petitioner has been named as an accused in the complaint, the Investigating Officer had stated that a Sniffer Dog was produced to the place to find out the accused. It had also been stated that there were no blood stains near the Well where the injury



CRL MP(MD) No.17060 of 2023

had occurred. There are thus arguable points which had been raised on behalf of the petitioner herein.

WEB COPY

5. We are informed that after the initial remand, the petitioner had been granted bail. That would have been granted after considering various circumstances including the possibility of retaliation. By this time, hopefully, the significance of the incidence would have paled still further.

6. Taking into consideration the period of incarceration and also the fact that there are arguable points have been listed out by the learned counsel for the petitioner and also on hearing the learned Additional Public Prosecutor on the nature of the injury caused and the fact that though the incident had happened at 9.00 a.m., the First Information Report had been registered only at 4.30 p.m., we are inclined to suspend the execution of the sentence of life imprisonment alone consequent to conviction of the petitioner under Section 302 IPC in S.C.No.92 of 2022 by the learned III Additional District and Sessions Court, Tiruchirappalli, by judgment, dated 23.03.2023.

7. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 23.03.2023 is suspended subject to the following conditions:-

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



CRL MP(MD) No.17060 of 2023

Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, of whom, one

WEB COPY

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

III Additional District and Sessions Court, Tiruchirappalli.

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 report before the learned III Additional District and Sessions Court, Tiruchirappalli, in the first working day of every English calendar month at 10.30 AM until disposal of the Criminal Appeal.

iv. On any particular date, if the petitioner is not able to appear, leave is granted to the petitioner to file application under Section 317 Cr.P.C. and appear before the concerned Court on any other day, as determined by the Court, in lieu of the day on which he would absent.

sd/-

03/09/2024

/ TRUE COPY /

04/09/2024

Sub-Assistant Registrar()
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM



CRL MP(MD) No.17060 of 2023

TO
WEB COPY

- 1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE
VALANADU POLICE STATION, TRICHY DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.17060 of 2023
in
CRL A(MD)No.1066 of 2023
Date :03/09/2024

SS/SAR- /04/09/2024/6P/5C

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