



CRL MP(MD) No.13037 of 2024

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

Tuesday, the Third day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE G.R.SWAMINATHAN
and
The HONOURABLE MS. JUSTICE R. POORNIMA

CRL MP(MD) No.13037 of 2024
IN
CRL A(MD) No.284 of 2023

ARUNKUMAR @ DOOR

... PETITIONER/ APPELLANT/ ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE,
E-1, K.PUDUR POLICE STATION,
MADURAI TOWN.
CR.NO.01/2014

... 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 petitioner/Appellant/Accused No.3 namely Arunkumar @ Door, S/o.Sonaimuthu passed by the Learned I Additional District and Sessions Court, Madurai in S.C.No.439 of 2014 dated 12.09.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

Prayer in CRL A(MD) No.284 of 2023 :

To call for the records relating to the Judgment passed by the Learned I Additional District and Sessions Court, Madurai in Sessions Case No.439 of 2014 dated 12.09.2022 and acquit the Accused and set aside the same and allow the Criminal Appeal.

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.M.JEGADEESH

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PANDIAN, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard both sides.

2. The petitioner was convicted and sentenced to life imprisonment vide Judgment dated 12.09.2022 in S.C.No.439 of 2014 on the file of the I Additional District and Sessions Court, Madurai. The petitioner figured as A3. The fatal injuries were inflicted by the first accused and not by the petitioner herein. P.W.7 speaks about the presence of the petitioner. No specific overt act is attributed to him. P.W.8 does not even refer to the petitioner's presence. The petitioner has been in prison for more than two years.

3. We are satisfied that the petitioner has arguable case in the main appeal. Hence, we are inclined to grant suspension of sentence. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 12.09.2022 is suspended subject to the following conditions:-

i. The petitioner/3rd accused 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 should be a blood relative, each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Madurai.



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

iii. The petitioner shall report before the learned I Additional District and Sessions Judge, Madurai, in the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
03/12/2024

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04/12/2024

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

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TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.

2 THE INSPECTOR OF POLICE, E-1, K.PUDUR POLICE STATION,
MADURAI TOWN.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

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ORDER
IN
CRL MP(MD) No.13037 of 2024
IN
CRL A(MD) No.284 of 2023
Date :03/12/2024

RS/IT/SAR-(04.12.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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