



CRL MP(MD) No.17269 of 2023

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

Thursday, the Nineteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.17269 of 2023

in

CRL A(MD) No.1083 of 2023

KANNAN @ KP.KARUPPU

... Appellant / Accused No.2

Vs

THE INSPECTOR OF POLICE
ODAIPATTI POLICE STATION,
THENI DISTRICT.
(CRIME.NO.17/2018)

... 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 of imprisonment imposed by the learned Mahila Court(Fast Track Court), Theni in SC.No.16/2021 by the judgment dated 11.07.2023 and enlarge the petitioner/appellant on bail, pending disposal of the above said criminal appeal.

Prayer in CRL A(MD) No.1083 of 2023:

To call for the records and set aside the judgment and conviction dated 11.07.2023 by the learned Mahila Court (Fast Track), Theni in S.C.No.16 of 2021 and acquit the appellant.

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 M/s.S.MAHENDRA PATHY, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate (Crl. side) on behalf of the Respondent, the court



CRL MP(MD) No.17269 of 2023

made the following order:-

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Mahila Court (Fast Track Court), Theni in S.C.No.16 of 2021 by the judgment dated 11.07.2023 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner, who is the accused in this case, has been convicted by the learned Sessions judge, for the offence under Section 397 of IPC and sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.1000/- in default to undergo one month simple imprisonment and convicted for the offences under Section 450 of IPC and sentenced him to undergo ten years rigorous imprisonment and to pay a fine of Rs.1000/- in default to undergo one month simple imprisonment, in S.C.No.16 of 2021 on the file of the learned Mahila Court (Fast Track Court), Theni. Both the sentence were ordered to be run concurrently and the set off under Section 428 Cr.P.C. was also ordered.

3.The case of the prosecution in brief:

The defacto complainant lodged a complaint stating that along with her husband they are living in Sivapuram. On 01.03.2018 at 7.30 p.m., after taking the dinner, she was locking the door. At that time, two persons with knife entered into



CRL MP(MD) No.17269 of 2023

the house. At the knife point they robbed the Taali chain worth about Rs.15,000/-.

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The other persons caused knife injury to her husband. Both were taken to the hospital. Her husband suffered severe injuries in his body. On the basis of the complaint given by her, FIR came to be registered in Crime No.17 of 2018.

4. During the trial, the prosecution has examined 16 witnesses as P.W.1 to P.W.16, exhibited 15 documents as Ex.P1 to Ex.P15 and marked material objects as M.O.1 to M.O.7, whereas the accused have adduced neither oral nor documentary evidence.

5. At the conclusion of the trial, the trial Court came to the finding that the charge that was framed against the accused person was proved beyond all reasonable doubts. On that basis, the accused was found guilty and convicted and sentenced as above. Challenging the above said conviction and sentence, appeal has been preferred by the petitioner.

6. Now seeking suspension of sentence this petition has been filed by the petitioner / second accused. The learned counsel for the petitioner would submit that recovery has been made only from the first accused and no recovery was made from him and he was not properly identified by the prosecution witness during the course of investigation and trial.

7. Per contra, learned Additional Public Prosecutor, involvement of the



CRL MP(MD) No.17269 of 2023

petitioner also properly established by the trial Court.

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8. Perusal of the records shows that it is a gruesome daring act of robbery causing grievous injury to P.W.2, the husband of P.W.1. They have clearly spoken about the occurrence. The manner in which the occurrence said to have been committed deserves no consideration at all. Involvement of this petitioner is clearly identified by P.W.2 who is the injured.

9. Considering the above said factual aspects, I find absolutely no reason to entertain this petition and this petition deserves to be dismissed. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
19/09/2024

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/10/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

To

1.The Sessions Judge,
Mahila Court (Fast Track), Theni.

2.The Inspector of Police,
Odaipatti Police Station,
Theni District.



CRL MP(MD) No.17269 of 2023

3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.17269 of 2023
in
CRL A(MD) No.1083 of 2023
Date :19/09/2024

ED/ VR /SAR- (01/10/2024) 5P / 5C

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