



CRL MP(MD) No.13630 of 2024

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

Friday, the Thirteenth day of December Two Thousand and Twenty Four
PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN
CRL MP(MD) No.13630 of 2024
IN
CRL A(MD) No.1108 of 2024

1 KAVITHA
2 RAMATHAAL
3 S.ARAVINDH

... PETITIONERS/ APPELLANTS/ ACCUSED NO.1 TO 3

Vs

THE INSPECTOR OF POLICE,
THANTHOONIMALAI POLICE STATION,
KARUR DISTRICT.

(CRIME NO. 73 / 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 upon the petitioners in S.C. No. 69 of 2021, on the file of the Learned Principal District and Sessions Judge, Karur District dt. 07.11.2024 and enlarge the Petitioner on bail.

Prayer in CRL A(MD) No.1108 of 2024 :

To call for the records pertaining to the Sessions Case in S.C.No.69 of 2021 on the file of the Learned Principal District and Sessions Court, Karur, dated 07.11.2024 and to acquit all the Appellants/ Accused No.1 to 3 from all the charges.

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.C.M.ARUMUGAM, Advocate for the petitioners and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed upon the petitioners in S.C.No.69 of 2021, dated 07.11.2024, by the Learned



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Principal District and Sessions Judge, Karur District, till the disposal of this Criminal
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Appeal.

2.The case of the prosecution is that on 05.03.2020, when the defacto complainant namely, Saravanan, was working as a Village Administrative Officer, Thanthoonimalai, he received secret information relating to the suspicious death of the deceased namely, Sivasubramanian and he enquired about the same and gave a complaint to the respondent Police. On receipt of the complaint given by the VAO, the respondent police registered a case against the petitioners, in Crime No.73 of 2020, for the offence under Sections 364, 344, 302 and 201 of IPC,. In the complaint, the main allegation against the petitioners is that the deceased was running mosquito net company and due to his habit of consuming alcohol regularly, heavy loss has been occurred in his business. Thereafter, the deceased scuffled with the first accused to return the settlement deed, which was executed in favour of the first accused by the deceased. Thereafter, the petitioners said to have planned to murder him stating that if the deceased is left like this, he will destroy other asset as well. Hence, on 16.02.2020, the petitioners said to have attacked the deceased with hands and wooden log, thereby, he sustained injuries all over the body and taken him through omni van bearing Registration No.TN 57 AF 4511, which was owned by the witnesses P.W.12 and P.W.13 to the house of the deceased. Thereafter, without taking any steps to



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prevent his life, intentionally they have not sent the deceased to the hospital.

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3.The respondent Police, after completing the investigation has filed the final report and the same was taken on file in S.C.No.69 of 2021,by the learned Principal District and Sessions Court, Karur District.

4.During the trial, the prosecution has examined 23 witnesses as P.W.1 to P.W.23 and exhibited 24 documents as Ex.P.1 to Ex.P.24, two court objects were marked as C.O.1 and C.O.2 and 8 material objects were marked as M.O.1 to M.O.8. On the side of the defence, neither a witness was examined nor a document was exhibited.

5.The Learned Principal District and Sessions Judge, Karur District, after full-fledged trial has passed the judgment in S.C.No.69 of 2021, dated 07.11.2024, and found the petitioners guilty, convicted and sentenced them as detailed below:

Accused Rank	Convicted under Section	Sentence of Imprisonment/ fine imposed
Appellant/ A1 to A3	Section 365 r/w 34 of IPC	Rigorous Imprisonment for 3 years and to pay fine of Rs.2,000/- in default to undergo SI for six months
	Section 324 r/w 34 of IPC	Rigorous Imprisonment for 2 years and to pay fine of Rs.1,000/- in default to undergo SI for three months
	Section 344 r/w 34 of IPC	Rigorous Imprisonment for 2 years and to pay fine of Rs.1,000/- in default to undergo SI for three months
		Run concurrently

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



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Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioners preferred the present Criminal appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

6.The learned counsel for the petitioners would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioners have already paid fine amount. He would further submit that the sentence imposed on the petitioners were suspended by the trial Court in Cr.M.P.No.1423 of 2024, dated 07.11.2024. Hence, he seeks the suspension of sentence of imprisonment in favour of the petitioners.

7.The learned Government Advocate (Crl. Side) appearing for the respondent Police would contend that the learned trial Court has rightly convicted the petitioners on the basis of the evidence and the petitioners have no prima facie case in this appeal and hence, he strongly opposed to grant suspension of sentence.

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

9.Considering the facts and circumstances of the case and also considering the fact that the sentence imposed on the petitioners was suspended by the trial Court in Cr.M.P.No.1423 of 2024, dated 07.11.2024 and there are some arguable points



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involved in the criminal appeal, the petitioner is entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence is granted to 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 Principal District and Sessions Judge, Karur District;

(ii) The sureties shall affix his 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 their identity; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
13/12/2024

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

vsg



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TO செய்து அளித்தல்

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1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, KARUR DISTRICT.

2 THE INSPECTOR OF POLICE, THANTHOONIMALAI POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-15402[I] dated 13/12/2024)

ORDER

IN

CRL MP(MD) No.13630 of 2024

IN

CRL A(MD) No.1108 of 2024

Date :13/12/2024

RS/VR/SAR-(27.12.2024) 6P 5C

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