



Crl.M.P.No.5497 of 2024
in Crl.A.No.359 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Crl.M.P.No.5497 of 2024
in Crl.A.No.359 of 2024

A.Aravinth

... Petitioner

Vs.

State Represented by
The Inspector of Police
Tirupur North Police Station
Tiruppur District
(Crime No.222/2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, praying to suspend the sentence imposed against the petitioner in S.C.No.19 of 2022 dated 28.02.2023 by the learned Principal Sessions Judge at Tiruppur District and enlarge the petitioner on bail.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER



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M.S.RAMESH, J.

AND

V.LAKSHMINARAYANAN, J.

The petitioner herein has challenged his sentence of life imprisonment in the main appeal. In the present petition he seeks for suspension of sentence.

2. Learned Principal Sessions Judge, Tiruppur, in S.C.No.19 of 2022, has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence imposed</i>
U/s.302 IPC	Life Imprisonment along with a fine of Rs.2,000/- in default R.I. for three months
U/s.506(ii) IPC	R.I. for two years along with a fine of Rs.2,000/- in default R.I. for three months.

3. Heard Mr.C.D.Johnson, learned counsel appearing for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor, appearing for the respondent Police.

4.The case of the prosecution is that, the deceased and the accused

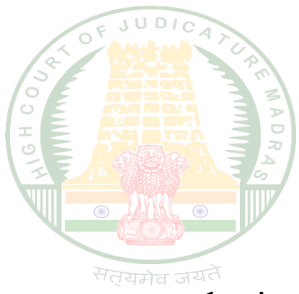


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were partners of M/s.S.M.Poly bag. The motive attributed by the prosecution on the accused is that on 09.02.2021, the deceased had questioned the accused as to why he had taken Rs.500/- from the firm and being enraged with such questioning, the accused had used a knife which was available there for cutting the poly bags and slit the neck of the deceased.

5.Learned counsel for the petitioner submitted that the appellant has been languishing in the jail for more than two years. According to him, even if the oral evidences of PW1 to PW3 are considered, they would only establish a case of culpable homicide not amounting to murder, since there is a possibility of modification of the sentence, he prayed for suspending the sentence.

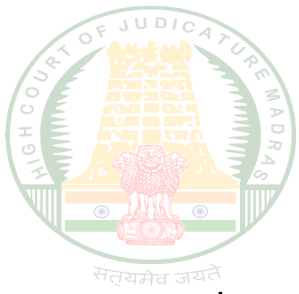
6.Learned Additional Public Prosecutor on the other hand, placed reliance on the evidences of PW1, PW2 and PW3, who are the eye witnesses to the occurrence. According to him, PW2 and PW3 are natural witnesses, being employees of the firm and were present at the scene when



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the incident had occurred. Since the defence were not able to refute the evidence of PW2 and PW3, recording of the trial Court cannot be found faulted.

7. We have given an anxious consideration of the submissions made by the learned counsel on either side. As pointed out by the learned counsel for the petitioner, all the three eye witnesses, namely PW1 to PW3 have consistently spoken about the wordy quarrel that arose on 09.20.2021, and being enraged with the questioning made by the deceased, the accused had found a knife which was available for their business purposes and had caused a single slit injury resulting in the death of the deceased. Even if the evidences of PW1 to PW3 are to be relied upon, the appellant may have the benefit of having the crime modified into one of culpable homicide, not amounting to murder, since the accounts of the eye witnesses indicate the possibility of sudden and grave provocation. The trial Court had convicted the petitioner on 28.02.2023, and it is stated that he is prison for more than 2 1/2 years. The main appeal may not be taken up for final disposal in the near future and in the light of our prima facie



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view as recorded above, we are inclined to suspend the sentence.

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8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner is suspended 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, each for a like sum to the satisfaction of the learned Principal Sessions Judge at Tiruppur District.

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

(iii) The petitioner is directed to appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal, 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



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shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court;

(iv) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

(M.S.R, J.)

(V.L.N, J.)

18.06.2025

kas

Note: Issue Order Copy on 19.06.2025

To

1.The Principal Sessions Judge
Tiruppur District

2.The Inspector of Police
Tirupur North Police Station
Tiruppur District
(Crime No.222/2021)

3.The Superintendent
Central Prison
Coimbatore District

M.S.RAMESH, J.

and

V.LAKSHMINARAYANAN, J.



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4.The Public Prosecutor
High Court of Madras
Chennai 600 104

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