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CRL MP(MD) NO. 218 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-01-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN
AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) NO. 218 of 2025

in

Crl.A.(MD)No.897 of 2024

1.Subbu @ Subramaaniyan
S/o Avudaiyappa Konar, No. 6/11 Amman Kovil street,
Mela Thalayuthu, Tirunelveli District.

2.Sulthan Mydeen,
S/o.Abdul Salam, Housing Board Colony, Shankar Nagar,
Tirunelveli District.

Petitioners

Vs

1.The state of Tamil Nadu
Rep by The Deputy Superintendent of Police,
Thalayuthu Rural, Thalayuthu Police station,
Tirunelveli District.

2.Poyyamani

Respondents

For Petitioner(s):

Mr.P.Samuel Gunasingh, Advocate

For Respondent(s):

Mr.T.Senthil Kumar,
Additional Public Prosecutor for R1.



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ORDER

WEB COPY (Order of the Court was made by the Hon'ble G.R.Swaminathan J.)

Heard both sides.

2.The petitioners are figuring as Accused Nos.1 and 4 in S.C.No.96 of 2016 on the file of the II Additional Sessions Court, Tirunelveli. By the impugned judgment, they had been convicted for offences under Section 307 r/w. Section 34 of IPC and for offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sentenced to life imprisonment. The petitioners seeks suspension of sentence.

3.The learned counsel for the defacto complainant vehemently opposed grant of suspension of sentence for the petitioners herein.

4.It is seen that the only allegation made against the petitioners is that they had instigated the commission of crime. Specific overt acts are attributed only against Accused Nos.5 to 8. The eye witness / P.W.3 turned hostile. The petitioners have paid fine of Rs.1,00,000/- each. Since the petitioners are coming out on bail, they say that without admitting their guilty, they have no objection for the injured witness to withdraw the said amount. They further undertake that in the event of the criminal appeal being allowed, they will not press for refund.

5.The learned counsel for the defacto complainant states that P.W.2 is facing threats. The jurisdictional police is directed to ensure that P.W.2 does not suffer any further harm.



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6. This criminal appeal was filed only in the year 2024. It is not likely to be taken up for final disposal in the near future. Considering the nature of overt acts attributed to the petitioners by the injured witness, we are inclined to grant suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 08.10.2024 is suspended subject to the following conditions:-

- i. The petitioners/ accused Nos.1 and 4 are 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 II Additional Sessions Court, Tirunelveli.
- 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 petitioners shall report before the learned II Additional Sessions Court, Tirunelveli, in the first working day of every English calendar month at 10.30 a.m., until further orders and if they are not able to appear before the trial Court on any day, they shall make arrangements



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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 their absence, as directed by the trial Court.

sd/-
30/01/2025

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30/01/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

IAS
TO
1 THE II ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
THALAYUTHU RURAL, THALAYUTHU POLICE
STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.SAMUEL GUNASINGH, Advocate (SR-1103[I] dated 30/01/2025)

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-1168[I] dated 30/01/2025)



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ORDER
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CrI.A.(MD)No.897 of 2024
Date :30/01/2025

SA/SAR. /30.01.2025/5P/7C

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