



Crl.M.P.(MD)No.1271 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.1271 of 2025

in Crl.A.(MD)No.129 of 2025

Balu @ Baluchamy,
S/o.Karuvayan @ Ramar,
Palani Poyar Street,
Perumal Puram,
Kel Vadakarai,
Periyakulam,
Theni District.

Petitioner(s)

versus

State by the Inspector of Police,
Periyakulam Police Station,
Theni District.

Respondent(s)

For Petitioner(s):

M/s.V.Muthu Kamatchi
Advocate

For Respondent(s):

Mr.P.Kottaichami
Government Advocate

ORDER

The petitioner is the first accused in S.C.No.40 of 2017 on the file of the learned Principal Sessions Judge, Theni. After the trial, the trial Court, by its Judgment dated 16.12.2024, found the petitioner guilty for the offence under Sections 304(ii), 336, 337, 201 r/w. 304 IPC and Section 135(1)(a)(e) of the Electricity Act and convicted and sentenced him as follows:



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(i) for the offence under Section 304(ii) IPC, to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/- with default sentence of six months rigorous imprisonment.

(ii) for the offence under Section 336 IPC, to undergo 3 months simple imprisonment.

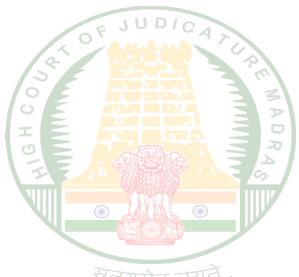
(iii) for the offence under Section 337 IPC, to undergo 3 months simple imprisonment.

(iv) for the offence under Section 201 r/w. Section 304 IPC, to undergo 3 years rigorous imprisonment and to pay a fine of Rs.5,000/- with default sentence of six months rigorous imprisonment.

(v) for the offence under Section 135(1)(a)(e) of the Electricity Act, to undergo 3 years rigorous imprisonment and to pay a fine of Rs.20,000/- with default sentence of six months rigorous imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.129 of 2025 along with the petition for suspending the sentence.

2. The learned counsel appearing for the petitioner submits that the electricity connection for the land was not in the name of the petitioner, however, the petitioner was held responsible for electrocution of the deceased. He further submits that the



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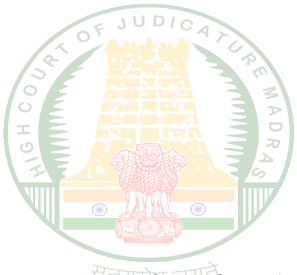
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deceased is a sand offender and on seeing the police officials, when the deceased was trying to escape, he fell on a snapped wire and died. However, the petitioner was fixed as an accused on the presumption that he has illegally tapped service connection in fencing and on account of that, the deceased died. He further submits that challenging the Judgment of conviction and sentence, the co-accused, namely, A2, has filed Crl.A.(MD)No.33 of 2025 before this Court and this Court, by order dated 10.01.2025, in Crl.M.P.(MD)No.465 of 2025, suspended the sentence imposed on the co-accused. Since the petitioner is in jail from the date of conviction, he seeks for suspending the sentence.

3. The learned Government Advocate (Crl. Side) submits that the petitioner is the owner of the land. The deceased was found dead in the land of the petitioner. Apart from this, the petitioner removed the body from the place of occurrence in order to screen the evidence. He fairly submits that the sentence imposed on the second accused has been suspended by this Court in Crl.M.P.(MD)No.465 of 2025 dated 10.01.2025.

4. This Court considered the rival submissions and perused the materials placed on record.

5. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken



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up for final hearing for want of time. Further, the sentence imposed on the 2nd accused has been suspended by this Court in Crl.M.P.(MD)No.465 of 2025 in Crl.A. (MD)No.33 of 2025, by order dated 10.01.2025. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Periyakulam, Theni District and on further conditions that the petitioner shall appear before the said Court once in a month, i.e. on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

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

OGY
TO

- 1 THE PRINCIPAL SESSIONS JUDGE, THENI.
- 2 THE JUDICIAL MAGISTRATE
PERIYAKULAM, THENI DISTRICT.



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3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

4 THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-2765[I] dated 13/03/2025)

ORDER
IN
CRL MP(MD) No.1271 of 2025
in Crl.A.(MD)No.129 of 2025
Date :13/03/2025

SS/SKN/SAR- /17/03/2025/ 5P/8C

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