



Crl.M.P.(MD)No.10664 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10664 of 2024

in

Crl.A.(MD)No.817 of 2024

Kanagaraj,
S/o.Murugesan,
Mariyamman Koil Street,
Puthukudi, Melavaaladi,
Lalgudi Taluk,
Trichy District.

Petitioner(s)

versus

The State Rep. by the Inspector of Police,
Samayapuram Police Station,
Trichy District.

Respondent(s)

For Petitioner(s): Mr.M.Karunanithi, Advocate
For Respondent(s): Mr.A.S.Abul Kalam Azad, Government Advocate

ORDER

The petitioner is the sole accused in S.C.No.203 of 2018 on the file of the learned II Additional District and Sessions Judge, Trichy. After the trial, the trial Court, by its Judgment dated 01.07.2024, found the petitioner guilty for the offence under Sections 294(b) and 304(II) IPC and convicted and sentenced him as follows:

(i) for the offence under Section 294(b) IPC, to undergo 3 months rigorous imprisonment;

(ii) for the offence under Section 304(II) IPC, to undergo 5 years rigorous imprisonment;



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imprisonment and to pay a fine of Rs.5,000/- with default sentence of six months rigorous imprisonment.

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Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.817 of 2024 along with the petition for suspending the sentence. The Criminal Appeal was admitted by this Court on 04.10.2024.

2. The learned counsel appearing for the petitioner submits that the petitioner has not used any weapon, but, he was said to have assaulted the deceased with hands. However, the deceased fell down and died. Therefore, the petitioner was found guilty for the offence under Section 304(ii) IPC. The learned counsel further submits that there are material contradictions between the witnesses, which will affect the root of the case. Further, the prosecution has not established the motive for the occurrence and also not produced the CCTV footage of the occurrence place. He further submits that the medical evidence does not support the ocular testimony. Therefore, the petitioner is having some arguable points in this appeal. Since the petitioner is in jail for the past eight months, he seeks for suspending the sentence, pending the appeal.

3. Heard the learned Government Advocate (Crl. Side).

4. The petitioner has raised certain arguable points, which can be considered



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only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. 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.

5. 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 II Additional District and Sessions Judge, Trichy 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/-
10/03/2025

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12/03/2025

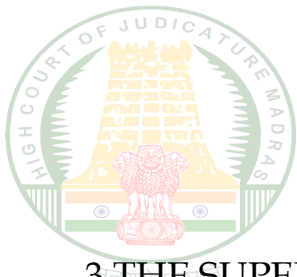
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, TRICHY.

2 THE INSPECTOR OF POLICE, SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.



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3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.A.THIYAGARAJAN, Advocate (SR-2579[I] dated 10/03/2025)

+1 CC to M/s.A.THIYAGARAJAN, Advocate (SR-2622[I] dated 11/03/2025)

ORDER

IN

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in

Crl.A.(MD)No.817 of 2024

Date :10/03/2025

RS/IT/SAR-(12.03.2025) 4P 7C

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