



CRL.M.P.(MD)No.13991 of 2024

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

Friday, the Third day of January Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.13991 of 2024

in

CRL.A.(MD)No.1037 of 2024

AROKIYASAMY @ MANI

... PETITIONER/1ST APPELLANT/
ACCUSED NO.1

Vs

THE STATE OF TAMIL NADU
THE INSPECTOR OF POLICE,
VAIAYAMPATTI POLICE STATION,
TRICHY DISTRICT.
CRIME NO.692/2020.

... 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 on the petitioner by the Learned II Additional District and Sessions Judge, Tiruchirappalli in S.C.No.04 of 2021 dated 07.11.2024 and release the petitioner on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.1037 of 2024 :

To call for records and set aside the judgment passed by the Learned II Additional District and Sessions Judge, Tiruchirappalli in S.C.No.04 of 2021 dated 07.11.2024 and acquit the appellants herein.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. EBENEZER



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CHARLES.T.J, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate(Crl.side) on behalf of the Respondent the court made the following order:-

This petition is filed to suspend the sentence imposed on the petitioner by the learned II Additional District and Sessions Judge, Tiruchirappalli, in S.C.No.4 of 2021, dated 07.11.2024 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

2.The case of the prosecution is that on 24.05.2020, due to dispute relating to the enjoyment of the Government land, the defacto complainant gave a complaint against the petitioners and the respondent Police enquired the matter and the respondent Police warned both of them to solve the matter before the Revenue Department. Thereafter, on 24.05.2020, at 02.00 hours the defacto complainant and his son came to their house, at that time, the petitioners and other accused said to have abused them in filthy language and also assaulted the defacto complainant's right head with Aruval and caused blood injury and assaulted the defacto complainant's son to the private part with leg, due to which, the defacto complainant's son sustained serious injury and died. Hence, the defacto complainant lodged a complaint before the respondent Police.



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3.On receipt of the complaint, the respondent Police registered a case in Crime No.692 of 2020 for the offence under Sections 147, 148, 294(b) 324, 302, 342 of IPC r/w 149 of IPC, against the petitioners and other accused. The respondent Police, after completing the investigation has filed the final report and the same was taken on file in P.R.C.No.6 of 2020, by the learned Judicial Magistrate, Manapparai. The same was sent to the Principal District and Sessions Judge for further enquiry. The same was taken on file in S.C.No.4 of 2021, by the II Additional District and Sessions Judge, Tiruchirappalli.

4.During the trial, the prosecution has examined 18 witnesses as P.W.1 to P.W.18 and exhibited 15 documents as Ex.P.1 to Ex.P.15 and marked M.O.1. On the side of the defence, neither a witness was examined and exhibited 2 documents as Ex.D1 and Ex.D2.

5.The learned II Additional District and Sessions Judge, Tiruchirappalli, after full-fledged trial has passed the judgment in S.C.No.4 of 2021, dated 07.11.2024, and acquitted the A1 to A5 for the offence under Section 148 and 294(b) and Accused Nos.3 to 5 for the offence under Section 149 and 302 of IPC and Accused No.4 and 5



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for the offence under Section 342 of IPC and convicted the petitioner for the offence under Sections 324 of sentenced to undergo one year Rigorous Imprisonment and to pay fine of Rs.1000/-, in default to undergo three months Rigorous Imprisonment, convicted the petitioner for the offence under Section 304 II of IPC and sentenced to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months Rigorous Imprisonment. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the third petitioner preferred the present Criminal appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

6.The learned counsel for the petitioner made the following submissions:

6.1.Even though earlier suspension of sentence petition has been filed in respect of A1 to A3 in S.C.No.4 of 2021, this Court has granted suspension of sentence only to A3, now, A1 has filed this suspension of sentence petition.

6.2.According to the prosecution, there was a dispute between both the parties relating to the enjoyment of the Government land. In this dispute, the petitioner and other said to have assaulted the deceased in his private part and caused injuries.

6.3.He would further submit that there was no previous antecedent against him.

6.4.He would further submit that he was confined at Central Prison, Trichy,



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from 07.11.2024. Hence, he seeks suspension of sentence.

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7.The learned Government Advocate (Crl. Side) appearing for the respondent Police would contend that even though he has no previous antecedent, but there is specific overtact attributed against him. He would further contend that the learned trial Court has rightly convicted the petitioner on the basis of the evidence and the petitioner has no prima facie case in this appeal and hence, he strongly opposed to grant suspension of sentence.

8.This Court has carefully considered the submissions made by the learned counsel appearing on either side and also perused the materials available on record.

9.According to the prosecution, due to dispute relating to the enjoyment of the Government Land, there was a altercation on the date of occurrence between them and the petitioner and other accused said to have assaulted the private part of the deceased with their leg.

10.Considering the above sequence of event and also considering the period of incarceration and the petitioner has no previous antecedent and there are some arguable points involved in the criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, the petitioner is entitled to the relief of grant of suspension of sentence.



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11. 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 II Additional District and Sessions Judge, Tiruchirappalli;

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

(iii) The petitioner shall appear before the trial Court daily at 10.30 a.m., till the disposal of the appeal.

It is made clear that at the time of hearing of suspension of sentence in respect of A2, this Court will peruse the allegations made against him independently.

sd/-
03/01/2025

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03/01/2025
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG



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TO
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1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUCHIRAPPALLI;

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

3.THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-27[I] dated 03/01/2025)

ORDER

IN

CRL.M.P.(MD)No.13991 of 2024

in

CRL.A.(MD)No.1037 of 2024

Date :03/01/2025

RK(03/01/2025) 7P / 6C

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