



Crl.M.P.No.7623 of 2024
in Crl.A.No.375 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

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in
Crl.A.No.375 of 2024

1.Kattapullai @ Ramachandran
2.Senthilkumar
3.Madavan @ Sivakumar
4.Ranjith

...Petitioners

Vs

State Rep by
The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
Crime No.23 of 2020

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence passed on 20.02.2024 in S.C.No.37 of 2020 by the District and Sessions Judge, Mayiladuthurai and enlarge the petitioners on bail pending disposal of the appeal.



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For Petitioners : Mr.M.Rajkumar
For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor

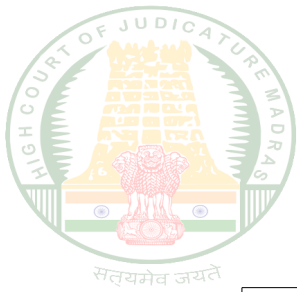
ORDER

(Order of the Court was made by *M.S.RAMESH,J.*)

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed on the petitioners by the learned District and Sessions Judge, Mayiladuthurai District on 20.02.2024 in S.C.No.37 of 2020 and enlarge them on bail.

2. The learned District and Sessions Judge, Mayiladuthurai District in S.C.No.37 of 2020, has convicted the petitioners and sentenced them as follows:-

<i>Name of the Accused/Petitioner</i>	<i>Offence</i>	<i>Sentence</i>
Kattapullai @ Ramachandran (A1)	Section 302 IPC	Life imprisonment and a fine of Rs.1,000/-, in default to undergo 3 months simple imprisonment



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<i>Name of the Accused/Petitioner</i>	<i>Offence</i>	<i>Sentence</i>
	Section 352 IPC	3 months simple imprisonment and a fine of Rs.500/-, in default to undergo 4 weeks simple imprisonment
Senthilkumar (A2)	Section 302 r/w 109 IPC	Life imprisonment and a fine of Rs.1,000/-, in default to undergo 3 months simple imprisonment
Madavan @ Sivakumar (A3)		
Ranjith (A4)	Section 352 IPC	3 months simple imprisonment and a fine of Rs.500/-, in default to undergo 4 weeks simple imprisonment

The sentences are ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioners have filed the above Criminal Appeal and they seek suspension of sentence and bail in the present miscellaneous petition.

4. From the evidence on record, we found that the prosecution has attributed the overt act on all the four accused. Insofar as the first



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petitioner/A1 is concerned, it is the prosecution case that he had caused the stab injury. However, the petitioners 2 to 4/accused 2 to 4 are said to have caught hold of the deceased.

5. According to the learned counsel for the petitioners, when PW1 had gone to police station to give a compliant, the accused were already apprehended in the police station, which is contrary to the statement of the investigation officer. These aspects could be delebrated at a later stage. Since the cause of death is due to stab injury caused by the first petitioner/A1, we are not inclined to suspend the sentence imposed on the first petitioner/A1, the learned counsel appearing for the petitioners wants to withdraw the petition as against the first petitioner/A1 and would like to proceed with the petition as against the petitioners 2 to 4/A2 to A4. He has also made an endorsement to that effect.

6. We find some force and substance in the argument of the learned counsel appearing for the petitioners and also on the *prima facie* view that the petitioners/appellants may have fair chances of success in the appeal and that the appeal will not be listed in the near future, we are inclined to



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suspend the sentence alone as against the petitioners 2 to 4/Accused 2 to 4 and dismiss the petition as against the first petitioner/A1.

7. Accordingly, this Criminal Miscellaneous Petition stands **dismissed as withdrawn**, as against the **first petitioner/A1**. The criminal miscellaneous petition is **allowed** as against **petitioners 2 to 4/A2 to A4** and the sentence imposed on them is suspended on the following conditions:-

(i) Petitioners 2 to 4/A2 to A4 shall execute separate bonds for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Mayiladuthurai;

(ii) Petitioners 2 to 4/A2 to A4 and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) Petitioners 2 to 4/A2 to A4 shall appear before the Trial Court on the first working day of every month at 10.30 A.M., until the disposal of the appeal and if they are not able to appear before the



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Trial Court on any day, they shall make arrangements 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; and

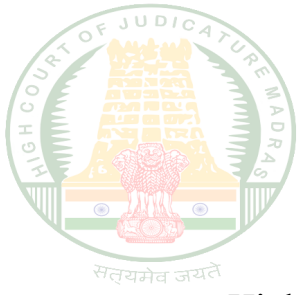
(iv) This order of suspension shall be subject to payment of fine imposed on the petitioners 2 to 4 by the Trial Court in the judgment.

(M.S.R, J.) (N.S, J.)
01.04.2025

Asr

To

- 1.The District and Sessions Judge,
Mayiladuthurai District
- 2.The Judicial Magistrate
Mayiladuthurai
- 3.The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
Crime No.23 of 2020
- 4.The Superintendent,
Central Prison, Trichy.
- 5.The Public Prosecutor,



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High Court, Madras.

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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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