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Crl.M.P. No. 363 of 2022
in
Crl.A. No. 31 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2022

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR.JUSTICE A.D. JAGADISH CHANDIRA

Crl.M.P. No. 363 of 2022

in

Crl.A. No. 31 of 2022

Sakthi @ Sakthivel

..Petitioner

Vs.

State represented by
The Inspector of Police,
Yercaud Police Station,
Salem District,
(Crime No. 52 of 2016)

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1)
Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and
order dated 13.12.2021 passed in S.C. No. 279 of 2017 on the file of the



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Sessions Court, Magalir Neethi Mandram (Mahila Court), Salem and to
enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner :: Mr.C. Prabakaran

For Respondent :: Mr.M. Babu Muthumeeran
Addl. Public Prosecutor

ORDER

S. VAIDYANATHAN,J.

AND

A.D. JAGADISH CHANDIRA,J.

This criminal miscellaneous petition has been preferred seeking to
suspend the sentence imposed on the petitioner by judgment and order dated
13.12.2021 passed in S.C. No. 279 of 2017 on the file of the Sessions Court,
Magalir Neethi Mandram (Mahila Court), Salem and to enlarge the
petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the third accused in S.C. No. 279 of
2017 before the Sessions Court, Magalir Neethi Mandram (Mahila Court),
Salem, was convicted and sentenced as follows on 13.12.2021:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1.	Section 120-B IPC	Rigorous imprisonment for life and fine of Rs.1,000/- ,



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S.No.	Provision under which convicted	Sentence
		in default to undergo one year rigorous imprisonment.
2.	Section 147 IPC	Two years rigorous imprisonment
3.	Section 364-A IPC	Rigorous imprisonment for life and fine of Rs.1,000/- , in default to undergo one year rigorous imprisonment.
4.	Section 384 IPC	Three years rigorous imprisonment
5.	Section 342 IPC	One year rigorous imprisonment
6.	Section 506(II) IPC	Seven years rigorous imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A. No. 31 of 2022 with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.C. Prabakaran, learned counsel for the petitioner and Mr.M. Babu Muthumeeran, learned Additional Public Prosecutor appearing for the respondent/State.

5. This Court, by order dated 28.02.2022, after perusing the report from the Central Prison, Coimbatore dated 21.02.2022, had granted interim suspension of sentence and bail for a period of three months, ie., till 10.06.2022, imposing certain conditions. Thereafter, this Court had



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periodically extended the suspension of sentence and by order dated 06.07.2022, had also directed the respondent/Police to get the report from the hospital, where the petitioner is taking treatment.

6. Pursuant to the said direction, today, the recent medical report from Priyam Speciality Hospitals, Salem has been produced before this Court. As per the report from the said hospital, the final diagnosis reveals that the petitioner is suffering from chronic kidney disease V stage. Further, even in the medical certificate issued by the Specialist in Nephrology dated 03.06.2022, the petitioner has been advised Renal Transplantation as a cure to his end stage renal disease and he is on maintenance hemodialysis weekly thrice for the past 2 ½ years.

7. The learned Additional Public Prosecutor has also affirmed the said fact that the petitioner is suffering from end stage renal disease and he has been advised renal transplantation.

8. Taking note of the recent medical report with regard to the health condition of the petitioner, the substantive sentence of imprisonment



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imposed on the petitioner is suspended and he is enlarged on bail.

9. It is reported that the petitioner has already furnished sureties and therefore, he need not furnish fresh sureties. However, the petitioner shall report before Judicial Magistrate Court No.5, Salem, on the first working day of every month until further orders.

10. The criminal miscellaneous petition is ordered accordingly.

(S.V.N.J.) (A.D.J.C.J.)
19.07.2022

nv

To

1. The Sessions Judge,
Magalir Neethi Mandram,
(Mahila Court), Salem.
2. The Inspector of Police,
Yercaud Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court, Madras.



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