



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM:

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

Crl.M.P.No.578 of 2022
in
Crl.A.No.40 of 2022

Kadhiravan

... Petitioner

..Vs..

State Represented by
The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District,
(Crime No.215 of 2013).

... Respondent

PRAYER: Criminal Miscellaneous petition filed under Section 389(i) of Cr.P.C, to suspend the sentence imposed against the petitioner in Sessions Case No.149 of 2015 dated 14.12.2021 on the file of the Additional District and Sessions Court, Dharmapuri, pending disposal of the above appeal.

For Petitioner : Mr.J.Bharathi Raja

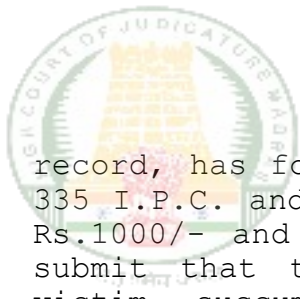
For Respondent : Mr.S.Sugendran,
learned Government Advocate (crl.side)

O R D E R

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner in Sessions Case No.149 of 2015 dated 14.12.2021 on the file of the Additional District and Sessions Court, Dharmapuri, pending disposal of the above appeal.

2.In and by the judgment of the trial court, the Petitioner/accused was was found not guilty and acquitted for the offence under Section 302IPC and convicted for the offence under section 335 of IPC and sentenced to undergo 3 years R.I. and to pay a fine of Rs.1,000/- and in default to undergo 4 weeks R.I. and against which, the present appeal has been filed.

3. Learned counsel appearing for the petitioner would submit that though the petitioner was charged for the offence under section 302 IPC, the trial court taking into consideration the evidence on



record, has found the petitioner guilty for the offence under Section 335 I.P.C. and sentenced to undergo 3 years R.I. and to pay a fine of Rs.1000/- and in default to undergo 4 weeks R.I. He would further submit that the alleged incident was taken on 03.11.2013 and the victim succumbed to injury on 10.11.2017, after a week. Even as per the prosecution, the petitioner was taken to Chennai and thereafter, he had been taken to the hospital at Dharmapuri. The medical records in this case have not been marked to show what was the treatment given to the petitioner and thereby, without the prosecution having proved the case beyond reasonable doubt that the petitioner is responsible for the death of the deceased, the trial court had found the petitioner guilty. He would further submit that there are arguable points available in the Criminal Appeal Case, which is not likely to be taken for final hearing in the near future and the Petitioner/accused has got a fair chance of succeeding in the Criminal Appeal Case. He would further submit that the fine amount has been paid and the trial court had suspended the sentence.

4. Heard the learned counsels and perused the materials on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/accused, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner/accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Additional Sessions Court, Dharmapuri, within 15 days from the date of commencement of the court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically and on further condition that:
- ii. The petitioner/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

6. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

27/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
INDUR POLICE STATION,
PAPPARAPATTI CIRCLE,
DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 C.C. to M/S. J.BHARATHI RAJA Advocate on payment of necessary
charges SR.NO.1273

Order

in
CRL MP.578/2022
in
CRL.A.No.40/2022

Date :27/01/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

INBA~28/01/2022