



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM : JUSTICE N.SESHASAYEE

Crl.M.P.No.2216 of 2022

in

Crl.A.No.476 of 2021

Vedhagiri

...

Petitioner / Appellant /
Accused No.2

Vs.

State, rep by
The Inspector of Police
J-2, Adyar Police Station (L&O)
Chennai - 20.
(Crime No.97/2013)

...

Respondent / Respondent /
Complainant

Prayer : Criminal Miscellaneous Petition filed under Section 389(3) of Cr.P.C. to suspend the sentence imposed in S.C.No.309 of 2014 dated 07.09.2021 by the learned XVIII Additional Sessions Judge, City Civil Court, Chennai, by convicting the appellant /A2 under Section 307 r/w.109 IPC and sentencing him to undergo three years rigorous imprisonment and shall pay a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.Leonard Arul Selvam Joseph
Government Advocate (Crl. Side)

O R D E R

The appeal is preferred against the judgment of the learned XVIII Additional Sessions Judge dated 07/09/2021 in S.C.No.309 of 2014 on the file of the City Civil Court, Chennai, convicting the appellant/accused No.2 for an offence inter alia under Section 307 r/w.109 IPC. And the appellants / petitioners have also filed the instant miscellaneous petition seeking suspension of sentence and bail.

2. The petitioner / appellant was an accused in S.C.No.309 of 2014 on the file of the City Civil Court, Chennai, was convicted of the offence under Section 307 r/w. 109 IPC and was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment.



3. The case of the prosecution is that alleged motive of crime is with regard to administration of temple and there is an involvement of six accused. On 15.01.2013, P.W.2, the uncle of P.W.1, the defacto complainant had lodged with the respondent police that his uncle P.W.2 was assaulted by A3 to A6, conspired with A1 and A2 with an intention of causing death of the injured.

4. On these allegations, the accused persons faced prosecution for the offences punishable under Section 120(b), 147, 148, 341, 326, 307 r/w. 109 IPC., and that the charges framed against A2 in S.C.No.309 of 2014 and was found guilty of offence under Sections 120 (b), 307 r/w. 109 IPC., and sentenced as stated supra.

5. According to the learned counsel for the petitioner/accused, there are arguable points available in the criminal appeal, and the petitioner/accused has got a fair chance of succeeding in the appeal case and hence, the substantive sentence imposed against the petitioner/accused may be suspended and that the petitioner may be exempted from surrendering before the Court.

6. Heard the learned counsel for the petitioner and Mr. Leonard Arul Joseph Selvam, learned Government Advocate (Criminal Side) for the respondent.

7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the appeal, the reliefs of suspension of sentence, exemption from surrendering and bail are granted on the following conditions:

(a) the petitioner shall be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned XVIII Additional Sessions Judge, City Civil Court, Chennai.

(b) The sureties shall affix their photographs and Left Thumb Impressions in the surety bond and learned XVIII Additional Sessions Judge, City Civil Court, Chennai may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.



(c) The petitioner shall appear before the trial Court on first Monday of every month at 10.30 a.m., until the disposal of the appeal, and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C and shall appear before the Court on any other day in lieu of the date of his absence, as directed by the Sessions Court.

-sd/-

03/03/2022

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.

**(*)CORRECTED COPY TO BE ISSUED FOR
THE ORDER ALREADY DESPATCHED ON 07/03/2022**

TO

1 THE XVIII ADDITIONAL SESSIONS
JUDGE, CITY CIVIL COURT, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-I, CHENNAI

3 THE INSPECTOR OF POLICE,
J-2, ADYAR POLICE STATION(L AND O), CHENNAI-20

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

C.C. to M/S.R.SANKARASUBBU Advocate on payment of necessary charges
Order

in

CRL MP.2216/2022

in

CRL A.476/2021

Date :03/03/2022

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

RVR 04/03/2022

RVR 17/03/2022