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Crl.M.P.No.6378 of 2022
in Crl.A.No.484 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HONOURABLE MR. JUSTICE **RMT.TEEKAA RAMAN**

Crl.M.P.No.6378 of 2022
in Crl.A.No.484 of 2022

Subramanian

.. Petitioner/Accused No.3

Vs.

State represented by
The Inspector of Police,
Chinna Salem Police Station,
Kallakurichi, Villupuram District.
(Crime No.47 of 2019)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C.,
to suspend the sentence imposed on the petitioner by judgment and order
dated 31.03.2022 passed in S.C.No.141 of 2019 on the file of the III
Additional District and Sessions Court, Kallakurichi and to enlarge the
petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.V.Paarthiban

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

(Made by *P.N.PRAKASH, J.*)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 31.03.2022 passed in S.C.No.141 of 2019 on the file of the III Additional District and Sessions Court, Kallakurichi and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner faced a prosecution along with Malathi (A1) and Rajadurai (A2) in S.C.No.141 of 2019 before the III Additional District and Sessions Court, Kallakurichi and has been convicted and sentenced as follows on 31.03.2022:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 120-B IPC	Six months rigorous imprisonment and fine of Rs.1,000/-, in default to undergo two months simple imprisonment.
2	Section 341 IPC	One month simple imprisonment and fine of Rs.100/-, in default to undergo two weeks simple imprisonment.
3	Section 302 r/w 34 IPC	Life imprisonment and fine of Rs.10,000/-, in default to undergo six months simple imprisonment.
The aforesaid sentences were ordered to run concurrently.		



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3. Challenging the above conviction and sentences, the accused have filed Crl.A.No.484 of 2022 and the petitioner has filed the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.V.Paarthiban, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the deceased Ravichandran was the husband of Malathi (A1); Rajadurai (A2) is the son of Ravichandran and Malathi (A1); Subramanian (A3), the petitioner herein, is the brother of Malathi (A1); Ravichandran was a chronic tippler and used to quarrel with his wife frequently for money and beat her; on 21.01.2019, around 7.00 p.m., a quarrel ensued, in which, Ravichandran is said to have abused Malathi (A1) in the presence of Rajadurai (A2); in a fit of anger, Rajadurai (A2) is said to have attacked Ravichandran with neem stick, which proved to be fatal.

6. The allegation against the petitioner herein is that he caught hold of Ravichandran when Rajadurai (A2) attacked him.



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which require detailed appraisal. Moreover, the petitioner has been in incarceration since 31.03.2022. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the III Additional District and Sessions Court, Kallakurichi;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile number to ensure their identity; and
- (iii) The petitioner 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 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 trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

(P.N.P.,J.) (TKRJ)
18.10.2022

nsd



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To

- 1.The III Additional District and Sessions Judge,
Kallakurichi.
- 2.The Inspector of Police,
Chinna Salem Police Station,
Kallakurichi, Villupuram District.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.
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