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Crl.M.P.No.6993 of 2022
in Crl.A.No.533 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.6993 of 2022
in Crl.A.No.533 of 2022

Paramasivam

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
(Crime No.143 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 20.04.2022 passed in S.C.No.124 of 2020 on the file of the III
Additional District and Sessions Court, Cuddalore at Vridhachalam and to
enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.K.Balu

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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

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This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 20.04.2022 passed in S.C.No.124 of 2020 on the file of the III Additional District and Sessions Court, Cuddalore at Vridhachalam and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.124 of 2020 before the III Additional District and Sessions Court, Cuddalore at Vridhachalam, was convicted and sentenced as follows on 20.04.2022:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo three months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.533 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.K.Balu, 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 Sivakumar was the son of the petitioner and was addicted to liquor; Sivakumar used to demand money from the petitioner frequently, quarrel with him and even assault him; on 05.08.2019, around 8.00 p.m., Sivakumar picked up a quarrel with the petitioner for money, during which, when the petitioner pushed him, Sivakumar fell down, sustained injuries and died thereafter.

6. The viscera report (Ex-P8) shows the presence of ethyl alcohol in the visceral organs of Sivakumar.

7. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 20.04.2022. 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



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III Additional District and Sessions Court, Cuddalore at
Vridhachalam;

- (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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in CrI.A.No.533 of 2022

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To

- 1.The III Additional District and Sessions Judge,
Cuddalore at Vridhachalam.
- 2.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore 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.
nsd

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