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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Criminal M.P. No. 7213 of 2022

in

Criminal Appeal No. 549 of 2022

1. Ramachandran

2. Madhammal

... Petitioners

-VS-

State rep. by
Deputy Superintendent of Police
Rasipuram Sub Division
Rasipuram Police Station
Namakkal District.
(Crime No. 382 of 2014)

... Respondent

Criminal Miscellaneous Petition filed under Section 397(1) read with 389 of Criminal Procedure Code, to suspend the sentence made in judgment in S.C. No. 64 of 2017 dated 03.06.2022 by the Learned Session Judge (Fast Track Mahila Court), Namakkal and enlarge the petitioner on bail pending appeal.

For Petitioners : M/s. W.Caymles Gandhi

For Respondent : Mr. C.E.Pratap
Government Advocate (Criminal Side)

**ORDER**

This petition has been filed to suspend the sentence of imprisonment passed vide judgment dated 03.06.2022 in S.C.No.64 of 2017 on the file of the learned Special Judge (Fast Track Mahila), Namakkal and enlarge them on bail.

2. The petitioners, who are accused 1 & 2 in S.C.No.64 of 2017 on the file of the learned Special Judge (Fast Track Mahila), Namakkal, was convicted under section 232(2) of Code of Criminal Procedure and A1 and A2 are convicted and sentenced to under go rigorous imprisonment for seven years for abetting the death of the deceased and to pay a fine of Rs.3,000/- each failing which to undergo simple imprisonment for a period of 3 months for the offence under section 306 of Indian Penal Code and A1 and A2 are convicted and sentenced to undergo simple imprisonment for 3 years for the offence of cruelty under section 498 (a) of Indian Penal Code and to pay a fine of Rs.2,000/- each, failing which to undergo simple imprisonment for a period of 2 months and both the sentences are to run concurrently. The remand period already undergone by the accused if any, are ordered to be set off under section 428 of Code of Criminal Procedure.



3. Heard both sides.

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4. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are ordered to be released on bail on each of them executing 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 learned Special Judge (Fast Track Mahila), Namakkal, and on further condition that:

(i) 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 to ensure their identity.

(ii) the petitioners shall appear before the trial Court on summon.

Maya

Note : Issue order copy on 08.12.2022.

08.12.2022

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V.SIVAGNANAM, J.
Maya

To

1. The Session Judge (Fast Track Mahila Court),
Namakkal.
2. Deputy Superintendent of Police
Rasipuram Sub Division
Rasipuram Police Station
Namakkal District.
3. The Public Prosecutor
Madras High Court
Chennai.

Criminal M.P. No. 7213 of 2022
in
Criminal A. No. 549 of 2022

08.12.2022
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