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Crl.M.P.No.8287 of 2022
in Crl.A.No.554 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

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

Crl.M.P.No.8287 of 2022
in Crl.A.No.554 of 2021

Muniyappan @ Chinnapillai

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
(Crime No.510 of 2017)

.. 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 27.09.2021 passed in S.C.No.14 of 2018 on the file of the Sessions Court, (Fast Track Mahila Court), Krishnagiri District and to enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.C.R.Malarvannan

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



WEB COPY



Crl.M.P.No.8287 of 2021
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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 27.09.2021 passed in S.C.No.14 of 2018 on the file of the Sessions Court, (Fast Track Mahila Court), Krishnagiri District and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner faced a prosecution along with his son Palanisamy (A2) in S.C.No.14 of 2018 before the Sessions Court, (Fast Track Mahila Court), Krishnagiri District, in which, Palanisamy (A2) was acquitted, but, the petitioner was convicted and sentenced as follows on 27.09.2021:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and fine of Rs.2,000/-, in default to undergo one year rigorous imprisonment, each.
Section 323 IPC	Fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment.
Section 506(II) IPC (2 counts)	Three years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment (2 counts).
The aforesaid sentences were ordered to run concurrently.	



WEB COPY



Crl.M.P.No.8287 of 2021
in Crl.A.No.554 of 2021

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.554 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.C.R.Malarvannan, 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 petitioner has two wives and Palanisamy (A2) was born to the petitioner through his first wife; the petitioner was fond of Palanisamy (A2) and wanted to settle some properties in his name, which was objected to by the second wife Amudha and the same resulted in a quarrel, in which, the petitioner is said to have attacked Amudha and caused her death.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 27.09.2021. Therefore, this Court is of the view that the



Crl.M.P.No.8287 of 2021
in Crl.A.No.554 of 2021

WEB COPY

7. 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 Sessions Court, (Fast Track Mahila Court), Krishnagiri District;
- (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)
28.11.2022



Crl.M.P.No.8287 of 2021
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To

- 1.The Sessions Judge,
(Fast Track Mahila Court),
Krishnagiri District.
- 2.The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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Crl.M.P.No.8287 of 2022
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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.
nsd

Crl.M.P.No.8287 of 2022
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