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CrI.M.P.No.15455 of 20__
in CrI.A.No.493 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

CrI.M.P.No.15455 of 2022
in CrI.A.No.493 of 2021

Chandru @ Chandrasekar

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Uthangarai Police Station,
Uthangarai, Krishnagiri District.
(Crime No.466 of 2018)

.. 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 24.09.2020 passed in S.C.No.06 of 2019 on the file of the Additional
Sessions Court, Krishnagiri District and to enlarge the petitioner on bail
pending disposal of the appeal.

For Petitioner : Mr.V.Rajamohan

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 24.09.2020 passed in S.C.No.06 of 2019 on the file of the Additional Sessions Court, Krishnagiri District and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.06 of 2019 before the Additional Sessions Court, Krishnagiri District, was convicted and sentenced as follows on 24.09.2020:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and fine of Rs.50,000/-, in default to undergo six months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.493 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

<https://www.mhc.tn.gov.in/jud4>. Heard Mr.V.Rajamohan, learned counsel for the petitioner and



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Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the petitioner was working as a cleaner under the deceased Panneer, who was a lorry driver. On account of a quarrel between the two, it is alleged that the petitioner took out a knife and stabbed Panneer, which proved to be fatal.

6. The prosecution case rests on the evidence of Hariprasath (PW1) and Raja (PW2), who appear to have stated that Panneer and the petitioner had consumed liquor at the time of incident.

7. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 24.09.2020. 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:



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- (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 Additional Sessions 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)
11.10.2022

nsd



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To

- 1.The Additional Sessions Judge,
Krishnagiri District
- 2.The Inspector of Police,
Uthangarai Police Station,
Uthangarai, Krishnagiri District.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 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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