



Crl.MP No.534 of 2023 in
Crl.A.No.492 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.534 of 2023

in

Crl.A.No.492 of 2021

Dillirajan

... Petitioner

Vs.

The State; rep. by the Inspector of Police (L & O),
R-2, Kodambakkam Police Station,
Chennai.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed in judgment dated 14.09.2021 against the petitioner in S.C.No.130 of 2016 on the file of the Sessions Court, Mahair Neethimandram, Chennai and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr M.Abdul Majeed

For Respondent : Mr.C.E.Pratap,
Govt. Advocate (Crl.Side)



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ORDER

The petitioner, who is an accused in S.C.No.130/2016 on the file of the Sessions Court, Mahalir Neethimandram, Chennai, seeks suspension of his sentence of imprisonment.

2. The learned Sessions Judge, Mahalir Neethimandram, Chennai, by judgment dated 14.09.2021 passed in S.C.No.130/2016, convicted the petitioner for the offence punishable under Section 306 IPC and sentenced him to undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 3 months simple imprisonment.

3. Challenging the judgment of conviction and sentence, the petitioner preferred the present Criminal Appeal along with the instant petition, seeking to suspend the sentence of imprisonment.

4. The learned counsel for the petitioner submitted that there are



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arguable points in the Criminal Appeal. He further submitted that, the deceased Kanmani @ Indira @ Radhika was married to one Balakurusamy and due to difference of opinion, she separated from her husband and thereafter, having relationship with the petitioner/accused. He further submitted that on the date of occurrence, there arose a quarrel between the petitioner and the deceased and she committed suicide by setting fire herself and died. He also submitted that the Trial Court, without appreciating and analysing the evidence in proper perspective, has convicted sentenced the petitioner and he is in judicial custody from 14.09.2021 and hence, prayed for suspension of sentence.

5. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the submission made by the learned



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counsel appearing on both sides, this Court finds that, the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner *shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate, XVII, Saidapet.*

(ii) The petitioner and 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.

(iii) The petitioner shall appear before the Trial Court, as and when



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14.02.2023
(1/2)

mst

To

1. The Sessions Judge, Mahalir Neethimandram, Chennai.
2. The Metropolitan Magistrate-XVII, Saidapet.
3. The Superintendent, Central Prison, Puzhal-I.
4. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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