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Crl.M.P.No.1999 of 2023 in Crl.A.No.138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.1999 of 2023

in

Crl.A.No.138 of 2023

Kumarasamy ... Petitioner
Vs.

State rep.by
The Assistant Commissioner of Police,
Guindy Range,
Chennai – 600 032.
(Crime No.2777/2013
in J7, Velachery Police Station). ... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code, to suspend the sentence passed by the learned Sessions Judge, Mahilr Court, Allikulam, Chennai in S.C.No.54 of 2016 dated 08.09.2022 and release the petitioner on bail pending disposal of the abovesaid criminal appeal.

For Petitioner : Mr.M.Selvam

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



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ORDER

This petition has been filed to suspend the sentence passed by the learned Sessions Judge, Mahalir Court, Allikulam, Chennai in S.C.No.54 of 2016 dated 08.09.2022 and release the petitioner on bail pending disposal of the abovesaid criminal appeal.

2.The petitioner, who was the sole accused in S.C.No.54 of 2016, was convicted and sentenced by the trial Court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	Under Sections 498(A),	Sentenced to undergo Rigorous imprisonment for three years and to pay a fine of Rs.5,000/- in default to pay fine, to undergo simple imprisonment for two months.
	304(B) IPA and	Sentenced to undergo Rigorous Imprisonment for ten years and to pay a fine of Rs.5,000/- in default, to undergo simple imprisonment for three months
	in the alternative charge under Section 306 IPC	Sentenced to undergo Rigorous imprisonment for ten years and to pay a fine of Rs.5,000/-, in default to pay fine, to undergo simple imprisonment for three months.

3.Aggrieved against the judgement of conviction and sentence



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imposed on the petitioner by the trial Court in S.C.No.138 of 2023, the petitioner has filed the present criminal appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal and the petitioner has every chance to succeed in this appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. Heard 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 above submission of the learned 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.



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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.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.***

(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 required.

13.02.2023

Index:Yes/No
Internet:Yes/No
sms

To



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- 1.The Sessions Court, Mahalir Neethimandram,
Allikulam, Chennai.
- 2.The Assistant Commissioner of Police,
Guindy Range,
Chennai – 600 032.
(Crime No.2777/2013
in J7, Velachery Police Station).
- 3.The Superintendent,
Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM, J.

sms

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