



Crl.M.P.No.1465 of 2023 in Crl.A.No.113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.1465 of 2023

in

Crl.A.No.113 of 2023

Murali @ Muralikrishnan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai
(Crime No.2275 of 2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) & 439 of Cr.P.C. to suspend the sentence imposed on the petitioner by VI Additional Sessions Judge, Chennai in S.C.No.349 of 2017, enlarge the petitioner on bail pending disposal of this Criminal Appeal.

For Petitioner : Mr.S.Senthilvel

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



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ORDER

The petitioner, who is the 1st accused in S.C.No. 349 of 2017 on the file of the VI Additional Sessions Judge, Chennai, seeks suspension of his sentence of imprisonment.

2. The Trial Court, vide its judgment dated 30.11.2022, convicted the petitioner/1st accused for the offences punishable under Sections 452 and 307 I.P.C., and sentenced him as under:

Conviction under Section	Sentence
452 I.P.C.	Rigorous Imprisonment for 5 years and to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for 3 months.
307 I.P.C.	Rigorous Imprisonment for 5 years and to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for 3 months.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

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



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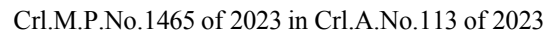
arguable points in this Appeal. He further submitted that the petitioner is under custody and hence, prayed for suspension of sentence.

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 counsels 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.10,000/- (Rupees ten*



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

09.02.2023

rpl

To

1. The VI Additional Sessions Judge, Chennai.
2. The Superintendent, Central Prison, Puzhal-1, Chennai
3. The District Jail Officer, Central Prison, Puzhal-1, Chennai
4. The Inspector of Police,
J-6, Thiruvannamiyur Police Station,
Chennai
5. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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