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Crl.M.P.No.8948 of 2023 in Crl.A.No.679 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.06.2023**

**CORAM**

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

**Crl.M.P.No.8948 of 2023**

**in**

**Crl.A.No.679 of 2023**

Lurdhusamy

Petitioner

...

/vs/

Inspector of Police,  
J-2, Adyar Traffic Investigation,  
Chennai,  
Crime No.197/AM3/2013

...

Respondent

**Prayer :** Criminal Miscellaneous Petition filed under sections 389 of Cr.P.C., to suspend the sentence imposed in the judgment dated 28.02.2023 in S.C.No.157 of 2017 on the file of III Additional Sessions Court, Chennai and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner

...

Mr.M.Shreedhar

For Respondent

...

Mr.R.Vinoth Raja,  
Govt. Advocate (crl.side)

**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in



S.C.No.157 of 2017 , dated 28.02.2023 by the III Additional Sessions Court, Chennai, and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

2. The petitioner, who was the sole accused in S.C.No.157 of 2017 was convicted and sentenced by the trial court as follows:

| <b><i>Petitioner's Rank</i></b> | <b><i>Provision under which convicted</i></b> | <b><i>Sentence</i></b>                                                                             |
|---------------------------------|-----------------------------------------------|----------------------------------------------------------------------------------------------------|
| Sole accused                    | U/s.279 of IPC                                | To undergo SI for three months                                                                     |
|                                 | U/s. 304 A of IPC                             | To undergo six months SI and to pay a fine of Rs.1,000/-, in default, to undergo SI for one month. |

The sentence of imprisonments were ordered to run concurrently.

The petitioner is acquitted from the charge framed under section 185 of M.V.Act and 304(ii) IPC.

3. Challenging the above conviction and sentence, the petitioner has filed Criminal Appeal along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment



of the trial court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Appeal and the petitioner has every chance to succeed in this Criminal Appeal and the fine amount imposed by the trial court has been paid. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. The learned Govt. Advocate (crl.side) appearing for the respondent supporting the impugned order, objected to grant suspension of sentence to the petitioner.

6. Heard the learned counsel appearing for the petitioner and perused the impugned order and entire material evidence available on record.

7. The petitioner has raised substantial grounds in the Appeal which require detailed appraisal. Further, the Appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8 Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:



- (i) The petitioner shall surrender before the XVIII Metropolitan Magistrate, Saidapet at Chennai, within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, for a like sum to the satisfaction of the above said court.
- (ii) The petitioner and the sureties shall affix her photograph and Left Thumb Impression in the bond and the abovesaid Court may obtain a copy of her Aadhaar card or Bank pass Book to ensure her identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

28.06.2023

msr

To

1. The III Additional Sessions Court, Chennai.
2. The XVIII Metropolitan Magistrate, Saidapet at Chennai.
3. The Inspector of Police, J2 Adyar Traffic Investigation, Chennai.



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4. The Public Prosecutor, Madras High Court.

**V.SIVAGNANAM, J.**

msr

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