



Crl.M.P.No.6064 of 2023 in Crl.A.No.489 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6064 of 2023

in

Crl.A.No.489 of 2023

Mariyadass

... Petitioner

/vs/

The State of Tamil Nadu,
represented by Inspector of Police,
SIPCOT Police Station,
Krishnagiri
(Crime No.407 of 2019)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(2) of Cr.P.C., to suspend the judgment of conviction and sentence dated 11.04.2023 in S.C.No.35 of 2021 on the file of the sessions Judge, Fast Track Mahila Court, Krishnagiri, pending disposal of the appeal.

For Petitioner

... Mr. R. Karthikeyan
for Mr.AR.Karthiklakshmanan

For Respondent

... Mr.A. Gokulakrishnan
APP



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment imposed in the judgment dated 11.04.2023 made in S.C.No.35 of 2021 on the file of Sessions Judge, Fast Track Mahila Court, Krishnagiri and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner, who is the sole accused in S.C.No.35 of 2021 is convicted and sentenced by the trial court, by its judgment dated 11.04.2023 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.304(ii) IPC	To undergo 10 years RI and a fine of Rs.5,000/-, in default in payment of fine, to undergo SI for a period of one year.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in S.C.No.35 of 2021, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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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. Thus, he would further submit that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal. Hence, he prayed for suspension of sentence till the disposal of this Criminal appeal.

5. Heard learned counsel for the petitioner and the learned Govt. Advocate (crl.side) appearing for the respondent.

6. 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. Considering the nature of the offence and the petitioner is now under incarceration, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

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

- (i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten



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CrI.M.P.No.6064 of 2023 in CrI.A.No.489 of 20--

thousand only) along with two sureties, each for a like sum, to the satisfaction of the Sessions Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the abovesaid Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

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

28.04.2023

msr

To

- 1.The Sessions Judge, Fast Track Mahila Court,
Krishnagiri, Krishnagiri.
- 2.The Inspector of Police,
SIPCOT Police Station,
Krishnagiri
- 3.The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison,
Vellore.

V.SIVAGNANAM, J.

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Crl.M.P.No.6064 of 2023 in Crl.A.No.489 of 2023

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Crl.A.No.489 of 2023

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