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Crl.M.P.No.13181 of 2022 in Crl.A.No.954 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	:	21.11.2022
PRONOUNCED ON	:	05.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.M.P.No.13181 of 2022
in Crl.A.No.954 of 2022

1.Dhandapani
2.Ramachandran

.. Petitioners/A1 & A2

Vs.

The State rep. by Inspector of Police
Pudhuchathiram Police Station
Pudhuchathiram
Cuddalore District

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 374 Cr.P.C. to set aside the conviction passed by learned II Additional Sessions Judge, Chidambaram in S.C.No.67 of 2019 dated 27.07.2022.

For Petitioners : Mr.V.Neethidurai
For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

P.N.PRAKASH, J.

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The petitioners have been convicted and sentenced on 27.07.2022 by the learned II Additional Sessions Judge, Chidambaram, in S.C.No.67 of 2019, as under:

<i>Name of the Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Dhandapani (A1)	Section 302 IPC	Imprisonment for life and fine of Rs.1,000/-, in default to undergo rigorous imprisonment for six months
Ramachandran (A2)	Section 302 IPC	Imprisonment for life and fine of Rs.1,000/-, in default to undergo rigorous imprisonment for six months
	Section 294(b) IPC	Rigorous imprisonment for three months

The aforesaid sentences imposed on A2 were ordered to run concurrently.

2. Challenging the above conviction and sentences, the petitioners have preferred CrL.A.No.954 of 2022 along with the instant criminal miscellaneous petitions seeking suspension of sentence and bail.

3. Heard Mr.V.Neethidurai, learned counsel for the petitioners and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent State.



4. It is the case of the prosecution that the deceased Ayyappan, who was 70 years old at the time of occurrence, intervened in a quarrel between Dhandapani (A1) and Ramachandran (A2) on 25.11.2018. Angered at that, Dhandapani (A1) had said to have hurled a stone at the deceased, proved fatal. Except the evidence of Jaisankar (P.W.1), son of the deceased, we find no other material implicating the accused.

5. The petitioners have raised substantial grounds in the appeal, which require detailed appraisal. Considering the fact that the petitioners are in incarceration for more than a year, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

6. Accordingly, this criminal miscellaneous petition stands allowed and the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:

- (i) The petitioners shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the II Additional Sessions Judge, Chidambaram ;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass book and mobile number to ensure their identity; and



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(iii)The petitioners shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

[P.N.P.,J.] [S.M.,J.]

05.01.2023

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To

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1.The II Additional Sessions Judge

Chidambaram

2.The Inspector of Police

Pudhuchathiram Police Station

Pudhuchathiram

Cuddalore District

3.The Superintendent

Central Prison

Cuddalore

4.The Public Prosecutor

High Court

Madras



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