



Crl.M.P.No.13223 of 2021 in Crl.A.No.649 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.13223 of 2021

in

Crl.A.No.649 of 2021

1.Palanisamy

2.Sarasu

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Paramathi Police Station,

Namakkal District.

Crime No.287 of 2016

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) & 439 of Cr.P.C. to enlarge the petitioners on bail by suspending the sentence imposed on them in S.C.No.23 of 2017 on the file of the Additional District & Sessions Judge, Namakkal dated 24.09.2018.

For Petitioners : Mr.K.Balaji

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



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ORDER

The petitioners, who are the A1 and A2, in S.C.No. 23 of 2017 on the file the Additional District & Sessions Judge, Namakkal, seek suspension of their sentence of imprisonment.

2. The Trial Court, vide its judgment dated 24.09.2018, acquitted A3 and A4 for the offence under Section 302 I.P.C., r/w.34 of I.P.C. However convicted and sentenced A1 to A4 as under:

Rank of the accused	Conviction under Section	Sentence
A1 & A2	Part I of 304 IPC(2 counts) r/w.34 IPC	Each of the accused shall undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for 2 years.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioners/A1 and A2 are before this Court.

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



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arguable points in this Appeal. He further submitted that the petitioners are 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 petitioners have substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are 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 petitioners are directed to be enlarged on bail on condition that the petitioners *shall execute a separate bond for a sum of Rs.25,000/- (Rupees*



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twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramathi, Namakkal.

(ii) The petitioners 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 petitioners shall appear before the Trial Court, as and when required.

08.02.2023

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To

1. The Judicial Magistrate, Paramathi, Namakkal.
2. The Superintendent, Central Prison, Coimbatore.
3. The Inspector of Police,
Paramathi Police Station,
Namakkal District.
4. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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