



Crl. M.P. No.13763 of 2023
in Crl.A.No.951 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.13763 of 2023
in Crl.A. No.951 of 2023

Dharish

...Petitioner

vs.

State Rep. by
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed in S.C.No.370/2015 dated 09.08.2023 on the file of learned I Additional Sessions Judge, City Civil Court, Chennai till the date of disposal of the above appeal.

For Petitioner : Mr.G.Anbuezhayan

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the I Additional Sessions Court, City Civil Court, Chennai in S.C.No.370/2015 dated 09.08.2023 and to enlarge the petitioner on bail.

2. The petitioner is the accused in S.C.No.370/2015 before the I Additional Sessions Court, City Civil Court, Chennai and he was convicted and sentenced on 09.08.2023 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Section 304 part 2 IPC r/w.34 IPC	Rigorous imprisonment for two years and to pay a fine of Rs.20,000/-, in default, to undergo simple imprisonment for six months.

3. Heard Mr.G.Anbuezhayan, the learned counsel for the petitioner and Mr.R.Vinothraja, learned Government Advocate (Crl. Side) for the respondent.



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4. Mr.G.Anbucheziyan, learned counsel for the petitioner contended that the petitioner has already paid the fine amount and has raised substantial points in the memorandum of appeal which require a detailed consideration by this Court.

5. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) did not raise any serious objection to grant the relief of suspension of sentence.

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with the following conditions :

- i. The petitioner 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 I Additional Sessions Court, City Civil Court, Chennai.
- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a



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copy of their Aadhar card or Bank pass Book to ensure their identity; and

iii. The petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner 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 he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

01.09.2023

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R.HEMALATHA, J.
mtl

To

1.State Rep. by
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.

2.The I Additional Sessions Court, City Civil Court, Chennai

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