



Crl. M.P. No.14015 of 2023
in Crl.A.No.962 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

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

Crl.M.P.No.14015 of 2023
in Crl.A. No.962 of 2023

Mani

...Petitioner

vs.

State Rep. by
The Inspector of Police,
Thirupalapanthal Police Station,
Villupuram District.
(Crime No.162/2020)

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code 1973 to suspend the sentence on the petitioner by the judgment dated 05.08.2023 in Special Case No.9/2021, on the file of the learned Principal Sessions Judge, Villupuram and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.K.R.Samratt

For Respondent : Mr.S.Sugendran, APP



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned Principal Sessions Judge, Villupuram in Special Case No.9/2021 dated 05.08.2023 and to enlarge the petitioner on bail.

2. The petitioner is the accused in Special Case No.9/2021 before the learned Principal Sessions Judge, Villupuram and he was convicted and sentenced on 05.08.2023 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1.	Section 304(ii) IPC	Simple imprisonment for five years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for six months.
2.	Section 135(1)(e) of Electricity Act, 2003	Simple imprisonment for one year

The aforesaid sentences were ordered to run concurrently.

3. Learned counsel for the petitioner contended that the accused though not a owner of the land, the prosecution has alleged that the



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petitioner is cultivating the land for which no documentary evidence was adduced by them. He would further contend that the petitioner has a fair chance to prove his innocence and succeed in the Criminal Appeal and therefore, he prayed for suspending the sentence till the disposal of this Appeal.

4. Learned Additional Public Prosecutor did not raise any serious objection to grant relief of suspension of sentence.

5. 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 learned Principal Sessions Judge, Villupuram.
- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and



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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.

07.09.2023

(2/2)

mtl

To

1.State Rep. by
The Inspector of Police,
Thirupalapanthal Police Station,
Villupuram District.
(Crime No.162/2020)

2.The Principal Sessions Court, Villupuram.

3.The Central Prison, Cuddalore.



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R.HEMALATHA, J.
mtl

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