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CRL.M.P.No.3216 of 2024
in CRL.A.No.210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRL.M.P.No.3216 of 2024

in

CRL.A.No.210 of 2024

Pandi @ Rajapandi

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur District.
(Crime No.316/2019)

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389(1) of Criminal Procedure Code, pleaded to suspend the sentence imposed upon the petitioner/appellant – A1 herein by the Principal Session Court, Tiruppur in Sessions Case.No.54 of 2022 dated 17.04.2023 and release the petitioner herein on bail pending disposal of the above criminal appeal.



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CRL.M.P.No.3216 of 2024
in CRL.A.No.210 of 2024

For Petitioner : Ms.M.Preetha
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by the Principal Session Court, Tiruppur in Sessions Case.No.54 of 2022 dated 17.04.2023 and release the petitioner herein on bail pending disposal of the above criminal appeal.

2. The petitioner / A1 in the above Sessions Case, was convicted for the offences under Section 302 of Indian Penal Code (IPC) and sentenced to undergo life imprisonment and to pay a fine of Rs.2000/-, in default to undergo further rigorous imprisonment for three months for offence under Section 302 IPC.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence in the



4. We have examined the testimonies of eyewitnesses PW1 to PW4. These witnesses speak about scene of occurrence. The deceased had gone to a roadside restaurant to purchase soup when an altercation ensued between the deceased and accused A1 to A4. The witnesses stated that the deceased was assaulted and subsequently pushed into a nearby drainage canal by A1. The Doctor's medical testimony establishes that the cause of death was drowning in the drainage water.

5. Considering the arguable points raised in the appeal, we are inclined to grant the relief of suspension of sentence to the petitioner herein.

6. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence imposed on the petitioner is suspended on the following conditions:

- (1) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the Learned Principal Sessions Judge, Tiruppur.



CRL.M.P.No.3216 of 2024
in CRL.A.No.210 of 2024

- (2) The petitioner 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 and mobile numbers to ensure their identity; and
- (3) 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.

[S.M.S., J.] [M.J.R., J.]
21.11.2024

Jeni
Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No



CRL.M.P.No.3216 of 2024
in CRL.A.No.210 of 2024

To

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- 1.The Learned Principal Sessions Judge,
Tiruppur.
- 2.The Superintendent of Prison,
Central Prison,
Coimbatore.
- 3.The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur.
- 4.The Additional Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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