



Crl.M.P.No.907 of 2023
in Crl.A.No.70 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2024

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Crl.M.P.No.907 of 2023
in Crl.A.No.70 of 2023

Pranav Sachin

... Petitioner

Vs.

State by the Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
Crime No.1235/2013

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w. 439 of the Criminal Procedure Code, seeking to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, Hosur, Krishnagiri District, made in S.C.No.15 of 2019 dated 12.12.2022 convicting the appellant/accused-2 herein under Sec.302 r/w. 34 IPC and sentencing him to undergo Life Imprisonment and to pay a fine of Rs.1,00,000/- out of which Rs.90,000/- to be paid as compensation to P.W.4 Ramanathan under Sec.357(1)(b) of Cr.P.C. in default to undergo simple imprisonment for one year and enlarge the petitioner on bail pending disposal of the criminal appeal on the file of this Court.



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For Petitioner : Mr.T.R. Ravi

For Respondent : Mr.E. Raj Thilak,
Additional Public Prosecutor

ORDER

*(Order of the Court was delivered by **SUNDER MOHAN, J.**)*

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/second accused by the learned Additional District and Sessions Judge, Hosur, Krishnagiri District on 12.12.2022 in S.C.No.15 of 2019 and enlarge him on bail, pending disposal of the Criminal Appeal.

2. The learned Additional District and Sessions Judge, Hosur, Krishnagiri District, in S.C.No.15 of 2019, has convicted the petitioner/second accused and sentenced him as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence imposed</i>
A2	Section 302 r/w. 34 IPC	Life imprisonment and to pay a fine of Rs.1,00,000/-, out of which Rs.90,000/- to be paid as compensation to P.W.4 Ramanathan under Section 357(1)(b) of Cr.P.C., in default to undergo simple imprisonment for one year.

3. Challenging the above conviction and sentence, the



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petitioner/second accused, has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present miscellaneous petition.

4. Heard Mr.T.R. Ravi, learned counsel appearing for the petitioner and Mr.E. Raj Thilak, learned Additional Public Prosecutor, appearing for the respondent/Police.

5. The case of the prosecution is that the deceased, the petitioner/second accused and the first accused were students of Architecture studying in Adhiyaman College in Hosur; that the first accused had prior enmity since the deceased was trying to be close to a girl in the college with whom the first accused had a liking and that on account of the said enmity, on 05.06.2013, at about 2.30 hours, the first accused along with the petitioner/second accused, had caused the death of the deceased by stabbing him with a knife.

6. By an order dated 19.01.2024 in Crl.M.P.No.2109 of 2023 in Crl.A.No.147 of 2023, we have considered the case of the first accused



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and granted suspension of sentence to him by making the following observations:-

..... “8. We have carefully analysed the rival submissions and perused the records. We find that the prosecution case rests on circumstantial evidences. P.W.6 is said to have seen the petitioner and A2 coming out of the house where the deceased lived. P.W.6 is the landlord, who is living in the ground floor of the same apartment. However, P.W.1, husband of P.W.6, while giving complaint, has not deposed about this fact and had infact stated in the complaint that some unknown person had caused the death of the deceased. Further, we find that P.W.6 was not examined immediately after the occurrence. Therefore, the version of P.W.6 is doubtful. The prosecution had also not proved the motive conclusively, though P.W.10 was examined to establish the same. Therefore, for the above reasons, we find that the appellant has a fair chance of succeeding in the appeal. However, we make it clear that the above observations made are our prima facie view. Considering the above and the fact that the appellant is in incarceration since 12.12.2022 and since the present appeal is not likely to be taken up for hearing in the near future, we are inclined to suspend the sentence on the following



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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 Judicial Magistrate No.II, Hosur.

(ii) 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;

(iii) 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.”

7. The aforesaid observations will squarely apply to case of the petitioner herein as well, as he stands on the same footing.

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



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- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Hosur, Krishnagiri District;
- (ii) 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;
- (iii) 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.

(M.S.R, J.)

(S.M, J.)

23.01.2024

Index: Yes/No

Sni

Note: Issue Order Copy on 24.01.2024



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WEB COPY

- To
- 1.The Judicial Magistrate No.II,
Hosur.
 - 2.The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
 - 3.The Superintendent,
Central Prison,
Vellore.
 - 4.The Public Prosecutor,
High Court,
Madras.



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

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