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CrI.M.P.No.1431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

CrI.M.P.No.1431 of 2024

in

CrI.A.No.128 of 2024

Iniyavan @ Iniyan

...Petitioner/Appellant

Vs.

State of Tamil Nadu

Represented by Inspector of Police

Villupuram West Police Station

Villupuram District.

...Respondent/Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence passed by the Learned Principal Sessions Judge Villupuram in S.C.No.70 of 2020 dated 10.01.2024 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal

For Petitioner : M/s.M.Devaraj

For Respondent : Mrs.G.V.Kasthuri

Additional Public Prosecutor



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ORDER

This miscellaneous petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 10.01.2024 passed by the Learned Principal Sessions Judge Villupuram in S.C.No.70 of 2020 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The appellant was convicted for the offence under Section 326 of I.P.C. and sentenced to undergo 5 years Simple Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for three months and to pay a fine of Rs.1,000/- for the offence under Section 294(b), in default, to undergo Simple Imprisonment for a period of one month under judgment in S.C.No.70 of 2020 dated 10.01.2024. Aggrieved by the same, the above Criminal Appeal has been filed along with the petition seeking suspension of sentence and for grant of bail.

3.The learned counsel for the appellant would submit that there are



lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that the appellant is now confined in Central Prison, Cuddalore.

4. On the above contentions, this Court heard the submissions of the learned Additional Public Prosecutor.

5. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, this Court is of the considered opinion that the appellant is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant is directed to be enlarged on bail, on condition that the appellant shall execute a bond for a sum of Rs.10,000/- each (each Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Villupuram and on



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further condition that the appellant shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

7.This criminal miscellaneous petition is ordered accordingly.

18.04.2024

NHS

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

Note to Office : Issue order copy on 23.04.2024

To

1.The Learned Principal Sessions Judge,
Villupuram.

2.The Inspector of Police,
Villupuram West Police Station
Villupuram District.

3.The Central Prison,
Puzhal,
Cuddalore.

4.The Public Prosecutor,

4/5



High Court of Madras,
Chennai – 600 104.

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M.DHANDAPANI, J.

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