



WEB COPY



Crl.MP.Nos.4719 & 13345 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.Nos.4719 & 13345 of 2023

in Crl.A.No.364 & 926 of 2023

1.Dokki @ Vijayakumar

2.Kalli @ Kannan

...Petitioners in Crl.MP.No.4719/2023/
A1 & A2

3.Japan @ A.Hariharan

...Petitioner in Crl.MP.No.13345/2023/A3

Versus

The State represented by
The Inspector of Police,
D1, Ramanathapuram Police Station,
Coimbatore,
(Crime No.59 of 2020)

...Respondent in both Crl.M.Ps

Common Prayer:- Criminal Miscellaneous Petitions filed under Section 389 (1) Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioners in S.C.No.53 of 2020, dated 11.11.2022, on the file of the Sessions Court (Bomb Blast Court), Coimbatore and enlarge the petitioners on bail pending disposal of the criminal appeals on the file of this Court.

Crl.M.P.No.4719 of 2023



WEB COPY



Crl.MP.Nos.4719 & 13345 of 2023

For Petitioner : Mr.P.Nagaraju
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

Crl.M.P.No.13345 of 2023

For Petitioner : Mr.K.Kaviarasu
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

COMMON ORDER

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

These criminal miscellaneous petitions have been filed seeking to suspend the sentence of imprisonment imposed in the judgment dated 11.11.2022, passed in S.C.No.53 of 2020, on the file of the Sessions Court (Bomb Blast Cases), Coimbatore and enlarge the petitioners on bail pending disposal of the above criminal appeals before this Court.

2.The petitioner/A1 was convicted and sentenced to undergo life sentence under Section 302 IPC and to pay a fine of Rs.2,500/-, in default, to undergo one year rigorous imprisonment, 10 years imprisonment under Section 307 r/w 34 and to pay a fine of Rs.1,000/-, in default, to undergo six months rigorous imprisonment and six months rigorous imprisonment under section 75 (1) (c) of the Chennai City Police Act. The petitioner/A2 was convicted and sentenced to undergo life sentence under Section 302 IPC r/w



Crl.MP.Nos.4719 & 13345 of 2023

34 and to pay a fine of Rs.2,500/- in default, to undergo one year rigorous imprisonment, 10 years imprisonment under Section 307 and to pay a fine of Rs.1,000/- in default to undergo six months rigorous imprisonment and six months rigorous imprisonment under section 75 (1) (c) of the Chennai City Police Act. The petitioner/A3 was convicted and sentenced to undergo imprisonment for life and to pay a fine of Rs.2,500/- in default to undergo one year rigorous imprisonment, 10 years imprisonment under Section 307 r/w 34 and to pay a fine of Rs.1,000/- in default to undergo six months rigorous imprisonment and six months rigorous imprisonment under section 75 (1) (c) of the Chennai City Police Act.

3. Aggrieved against the judgement of conviction and sentence imposed on the petitioners/appellants by the trial Court, in S.C.No.53 of 2020, the petitioners/appellants have filed the present criminal appeals along with the instant miscellaneous petitions seeking suspension of sentence and bail.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent and perused the



Crl.MP.Nos.4719 & 13345 of 2023

WEB COPY

impugned judgment and the materials on record.

5. We have gone through the evidences and the deposition of PW1, who is said to be injured/Eye witness. As far as accused Nos.1 & 2 are concerned, cross examination of PW1 reveal that he did not know how the deceased was attacked. Since there is an arguable point on this aspect, we are inclined to consider the petition in Crl.M.P.No.4719 of 2023. Regarding accused No.3 also we found other arguable points, which is to be considered at the the time of final hearing of the appeals. Considering the said facts, we are inclined to consider the present petitions.

6. Accordingly, these criminal miscellaneous petitions stand **allowed** and the sentence of imprisonment is **suspended** and the sentence imposed on the petitioners is suspended on the following conditions:

(i) The petitioners shall execute separate bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate No.VI, Coimbatore*.

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in



Crl.MP.Nos.4719 & 13345 of 2023

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

(iii)The petitioners shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeals.

[S.M.S., J.] [V.S.G., J.]
25.10.2024

sli

To

1.The Judicial Magistrate No.VI, Coimbatore.

2.The Inspector of Police,
D1, Ramanathapuram Police Station,
Coimbatore,
(Crime No.59 of 2020).

3.The Superintendent, Central Prison,
Coimbatore.

4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

sli



WEB COPY



Crl.MP.Nos.4719 & 13345 of 2023

Crl.MP.Nos.4719 & 13345 of 2023
in
Crl.A.Nos.364 & 926 of 2023

25.10.2024
(1/2)