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CRL.M.P.No.2641 of 2024
in CRL.A.No.184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.M.P.No.2641 of 2024

in

CRL.A.No.184 of 2024

Ibrahim @ Banu

... Petitioner

Vs.

State by Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
(Crime No.633/2017)

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389(1) of Criminal Procedure Code, pleaded to suspend the sentence imposed on the petitioner in S.C.No.89 of 2021 on the file of the Principal Sessions Judge, Tiruppur dated 28.04.2022 and release the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.Baby Muthu Meeran
Additional Public Prosecutor



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ORDER

[Order of the Court was made by **V.SIVAGNANAM, J.**]

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner in S.C.No.89 of 2021 on the file of the Principal Sessions Judge, Tiruppur dated 28.04.2022 and release the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner in the above Sessions Case, was convicted and sentenced for the offences under Sections 302 and 404 of Indian Penal Code (IPC) and was sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.2000/-, in default to undergo further rigorous imprisonment for 3 months for offence under Section 302 IPC and he was also sentenced to undergo two years of rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo further rigorous imprisonment for 3 months for offence under Section 404 IPC. The total fine amount imposed on the accused is Rs.3000/- in the S.C.No.89 of 2021.

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



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present petition.

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4. The learned counsel for the petitioner would submit that the appellant is in actual imprisonment for about two and half years and extra judicial confession was relied on by the Trial Court to convict the petitioner.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent would contend that conviction was made based on the circumstantial evidences.

6. However, we find there is some force in the contentions raised on behalf of the petitioner and there is a arguable point in favour of the petitioner.

7. Considering the above facts and circumstances, we are of the opinion that the petitioner could establish *prima facie* case and also considering the fact that the petitioner is in long incarceration and the appeal is not likely to be taken up in the near future, we are inclined to grant the relief of suspension of sentence to the petitioner herein.



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8. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment is suspended 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.
- (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.] [V.S.G., J.]
22.10.2024

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



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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 Police Station,
Tiruppur.
- 4.The Additional Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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

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