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Crl.M.P.No.7431 of 2024 In Crl.A.No.502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.7431 of 2024

In

Crl.A.No.502 of 2024

Thiruna @ Thirunavukarasu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
G-3 Kilpauk Police Station,
Chennai.
(Cr.No.274 of 2021)

... Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) and 439 of Criminal Procedure Code praying to suspend the sentence and grant bail to the petitioner/ appellant for the conviction and sentence imposed in S.C.No.326 of 2021 dated 04.10.2023 on the file of the I Additional Sessions Judge, City Civil Court, Chennai pending disposal of the above said Criminal appeal.

For Petitioner : Mr.K.Gandhi Kumar
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 04.10.2023 passed by the learned I Additional Sessions Judge, City Civil Court, Chennai in S.C.No.326 of 2021 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.Appellant was convicted for the offence under Sections 392 r/w 397 and 506(ii) of I.P.C. and was sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.200/-, in default to undergo one week simple imprisonment for the offence under Section 392 r/w 397 of I.P.C. and to undergo one year rigorous imprisonment and to pay a fine of Rs.200/-, in default to undergo one week simple imprisonment for the offence under Section 506(ii) of I.P.C. under judgment in S.C.No.326 of 2021 dated 04.10.2023. Hence, the appellant seeks suspension of sentence.

3.The learned counsel for the appellant would submit that there are lot of material contradictions in the evidence of the prosecution



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and the prosecution evidence is also highly unbelievable. He would further submit that the appellant is now confined in Central Prison, Puzhal, Chennai.

4.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, I am 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/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned I Additional Sessions Judge, City Civil Court, Chennai and on further condition that the appellant shall appear before the trial Court at 10.30 a.m. on the first working



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day of every English Calendar month, pending appeal.

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7.This criminal miscellaneous petition is ordered accordingly.

27.06.2024

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

To

- 1.The I Additional Sessions Judge,
City Civil Court,
Chennai.
- 2.The Inspector of Police,
G-3 Kilpauk Police Station,
Chennai.
(Cr.No.274 of 2021)
- 3.The Central Prison,
Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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M.DHANDAPANI,J.

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27.06.2024