



WEB COPY



Crl.MP.No.3395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.06.2024

CORAM:

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

Crl.MP.No.3395 of 2024

in

Crl.A.No.233 of 2024

Kumar

...Petitioner

Vs.

The State Rep. By
The Inspector of Police
Anuparalayam Police Station,
Tiruppur District.
(Crime No.199 of 2015)

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence passed in S.C.No.87 of 2021 on the file of the Learned Assistant Sessions Judge, Tiruppur dated 24.01.2024, convicting the petitioner under Section 307 of IPC and sentencing him to undergo rigorous imprisonment for seven years and imposing a fine of Rs.2,000/- and in default, to undergo rigorous imprisonment for six months, pending disposal of the above criminal appeal.

For Petitioner : Mr.S.Sabarigeethan

For Respondent : Mrs.G.V.Kasthuri,
Addl. Public Prosecutor

ORDER

This Criminal Miscellaneous petition has been filed seeking to



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suspend the sentence of imprisonment imposed in S.C.No.87 of 2021 dated 24.01.2024 on the file of the Assistant Sessions Judge, Tiruppur and enlarge the petitioner on bail.

2. The petitioner/appellant was convicted for the offence under Section 307 of IPC and was sentenced to undergo 7 years of rigorous imprisonment and was ordered to pay a fine of Rs.2,000/- and in default of payment of fine, to undergo rigorous imprisonment for another six months, vide order dated 24.01.2024 made in SC.No.87 of 2021. Aggrieved by the same, the above appeal has been filed along with this petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and petitioner is now confined in Central Prison, Coimbatore for about eight months.

4. 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



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hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner 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 Assistant Sessions Judge, Tiruppur and on further condition that the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

6. This criminal miscellaneous petition is ordered accordingly.

12.06.2024

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M.DHANDAPANI, J.

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To

WEB COPY

1. The Assistant Sessions Judge, Tiruppur.
2. The Inspector of Police
Anuparpalayam Police Station,
Tiruppur District.
3. The Public Prosecutor, High Court of Madras.
4. The Central Prison, Coimbatore.

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