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Crl.MP.No.4425/2024 in Crl.A.No.295/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.4425/2024 in Crl.A.No.295/2024

M.Balaraman

.. Appellant/Accused-4

Versus

The State represented by
The Inspector of Police,
Arni Taluk Police Station,
Arni, Tiruvannamalai District.
Crime No.1933 of 2020.

.. Respondent

Prayer:-Civil Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend the sentence imposed by the trial court in judgment dated 20.02.2024 in S.C.No.70 of 2021 on the file of the Additional District and Sessions Judge, (Fast Track Court) Arni and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner : M/s.Dharani Kasinathan
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

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

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement and order dated 20.02.2024 passed in S.C.No.70 of 2021 on the file of the the Additional District and Sessions Judge, (Fast Track Court), Arni and to enlarge the petitioner on bail pending disposal of the appeal.

2. The case of the prosecution is that the petitioner is a life convict aged about 75 years. The Trial Court convicted the petitioner under Section 302 of IPC and sentenced to undergo life imprisonment and also pay the fine of Rs.2,000/-, in the event of failure to undergo rigorous imprisonment for two years. With reference to offences under Section 147 of IPC, the petitioner was sentenced to pay a fine of Rs.1,500/- in the event



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of failure to undergo simple imprisonment for six months. The petitioner is in jail for a period of about six months.

3. The learned Counsel appearing on behalf of the petitioner would submit that the petitioner is arrayed as A4 in the criminal case and there is no overt act against the petitioner.

4. The deposition of P.W.10/Doctor would reveal that there is no internal and external injuries identified in the body during the post mortem and opined that the death would have caused on account of heart failure.

5. Considering the *prima facie* arguments placed on behalf of the petitioner and the subject to further consideration of grounds in the criminal appeal, this Miscellaneous Petition stands **allowed** and the sentence imposed by the Trial Court in Judgment dated 20.02.2024 in SC.No.70 of 2021 on the file of the Additional District and Sessions Judge, (Fast Track Court), Arni stands **suspended** on the following conditions:

- (i) 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 Additional District and Sessions Judge, (Fast Track Court), Arni, Thiruvannamalai District.



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- (ii) 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
- (iii) 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 and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

[S.M.S., J.] [V.S.G., J.]
07.08.2024

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Issue order copy by 08.08.2024

Upload the order copy forthwith.

Internet: Yes



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To

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1.The Additional District and Sessions Judge, (Fast Track Court), Arni,
Thiruvannamalai District.

2.The Inspector of Police,
Arni Taluk Police Station,
Arni, Tiruvannamalai District.
Crime No.1933 of 2020.

3.The Superintendent of Prison,
Central Prison, Vellore.

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



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S.M.SUBRAMANIAM, J.

and

V.SIVAGNANAM, J.

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