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Crl.MP.No.4568 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.4568 of 2024 in Crl.A.No.306 of 2024

1.Manikandan
2.Prasanth
3.Janani
4.Jothi

...Petitioners / Appellants

Versus

The State rep. by
The Inspector of Police,
Thirumuruganpoondi (Anupparpalayam) Police Station,
Anupparpalayam,
Tiruppur.
(Crime No.3848 of 2020)

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., pleaded to suspend the sentence imposed by the Judgment in S.C.No.90 of 2022 dated 06.01.2024 on the file of the learned Principal Sessions Judge, Tiruppur and enlarge the petitioners on bail pending disposal of the above said Criminal appeal.



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For Petitioners : Mr.P.Pugalenthil and Mr.G.Muralidharan

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 by the Judgment in S.C.No.90 of 2022 dated 06.01.2024 on the file of the learned Principal Sessions Judge, Tiruppur and enlarge the petitioners on bail pending disposal of the above said Criminal appeal.

2.The petitioners in the above Sessions Case, were convicted and sentenced to under go life imprisonment each and to pay a fine of Rs.2000/- each, in default to undergo further rigorous imprisonment for 3 months each for offence under Sections 302 r/w 34 IPC and sentenced to undergo rigorous imprisonment for six months for offence under Section 147 IPC and A1 was sentenced to undergo rigorous imprisonment for six months for the offence under Section 324 IPC in S.C.No.90 of 2022 dated 06.01.2024.



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3. Aggrieved against the judgement of conviction and sentence imposed on the petitioners by the trial Court in S.C.No.90 of 2022, the petitioners have filed the present criminal appeal along with the instant miscellaneous petition 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 impugned judgment and the materials on record.

5. We have gone through the evidences of PW1 to PW3 and the Doctor's evidence. The post-mortem report states about two injuries caused on the deceased. Considering the facts and circumstances, we are inclined are inclined to suspend the sentence of the petitioners.

6 . Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence of imprisonment is **suspended** and the sentence imposed on the petitioners is suspended on the following conditions:



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(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.III, Tirupur.

(ii)The petitioners 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 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 appeal.

[S.M.S., J.]

[V.S.G.,
J.]

23.10.2024

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To

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- 1.The Judicial Magistrate No.III, Tirupur.
- 2.The Inspector of Police,
Thirumuruganpoondi (Anupparpalayam) Police Station,
Anupparpalayam,
Tiruppur.
- 3.The Superintendent, Central Prison, Coimbatore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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V.SIVAGNANAM, J.

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