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Crl.MP.No.6014 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

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

Crl.MP.No.6014 of 2024 in Crl.A.No.393 of 2024

Ranjith Magiban @ Magiban

...Petitioner / Appellant

Versus

The State rep. by
The Inspector of Police,
T-3, Korattur Police Station,
Korattur,
Chennai – 600 080.
(Crime No.588 of 2011)

... Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., pleaded to suspend the sentence imposed in Judgment dated 23.02.2023 made in S.C.No.94 of 2015 on the file of the Court of III Additional District and Sessions Court Tiruvallur at Poonamallee pending Criminal Appeal.

For Petitioner : Mr.S.John Peter

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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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 in Judgment dated 23.02.2023 made in S.C.No.94 of 2015 on the file of the Court of III Additional District and Sessions Court Tiruvallur at Poonamallee pending Criminal Appeal.

2.The petitioner in the above Sessions Case, was found guilty of the offence under Section 302 IPC r/w 34 IPC and awarded sentence of imprisonment for life with fine Rs.5000/- with default sentence 6 months simple imprisonment and in another charge guilty of offence under Sections 506(ii) IPC sentence to undergo rigorous imprisonment for a period of 1 year and to pay fine of Rs.2500/- and default the payment of fine, he shall undergo simple imprisonment for a period of 3 months in S.C.No.94 of 2015 dated 23.02.2023.

3.Aggrieved against the judgement of conviction and sentence



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imposed on the petitioner by the trial Court in S.C.No.94 of 2015, the petitioner has filed the present criminal appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the impugned judgment and the materials on record.

5. The occurrence took place on 05.09.2011 and the death of the deceased occurred on 29.04.2012. The convict prisoner is in actual imprisonment for about 3 years. Since there is arguable point with reference to the evidence produced us, we are inclined to grant suspension of sentence to the convict.

6. 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:

(i) The petitioner shall execute a bond for a



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sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned III Additional District and Sessions Court, Tiruvallur at Poonamallee.

(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.

[S.M.S., J.]

[V.S.G.,
J.]

25.10.2024

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- 1.The III Additional District and Sessions Court, Tiruvallur at Poonamallee.
- 2.The Inspector of Police,
T-3, Korattur Police Station,
Korattur,
Chennai – 600 080.
- 3.The Superintendent, Central Prison, Puzhal.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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