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Crl.M.P.No.5267 of 2024 In Crl.A.No.347 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.5267 of 2024

In

Crl.A.No.347 of 2024

Karthik

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
K-6, T.P.Chatram Police Station,
(Law and Order)
Chennai – 600 010.
(Crime No.2 of 2020)

... Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the conviction and sentence imposed on the petitioner through judgment dated 26.02.2024 in S.C.No.137 of 2021 by the learned III Additional Sessions Judge, Chennai and release the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.C.Deivasigamani
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

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This miscellaneous petition is filed to suspend the conviction and sentence imposed on the petitioner through judgment dated 26.02.2024 in S.C.No.137 of 2021 by the learned III Additional Sessions Judge, Chennai and release the petitioner on bail pending disposal of the above criminal appeal.

2.Petitioner/ Appellant was convicted for the offence under Section 307 r/w.34 and 506(ii) of I.P.C. and was sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment for the offence under Section 307 r/w.34 of I.P.C. and to undergo two years simple imprisonment for the offence under Section 506(ii) of I.P.C. and both the sentences were ordered to run concurrently. Since punishment was given under Section 307 r/w.34 of I.P.C., no separate punishment for offence under Section 323 of I.P.C. was given under judgment in S.C.No.137 of 2021 dated 26.02.2024. The period of remand was set of under Section 428 of Cr.P.C. by the trial Court. Hence, the appellant seeks suspension of sentence.



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3.The learned counsel for the appellant submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. The learned counsel would further submit that the appellant is now confined in Central Prison, 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 III Additional Sessions Judge, Chennai and on further condition that the appellant shall

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appear before the trial Court at 10.30a.m. on the first working day of every English Calendar month, pending appeal.

7.This criminal miscellaneous petition is ordered accordingly.

25.04.2024

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

To

- 1.The III Additional Sessions Judge,
Chennai.
- 2.The Inspector of Police,
K-6, T.P.Chatram Police Station,
(Law and Order)
Chennai – 600 010.
(Crime No.2 of 2020)
- 3.The Central Prison,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

M.DHANDAPANI,J.

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