



Crl.MP.No.7365 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.7365 of 2024 in Crl.A.No.1489 of 2023

Muthu

...Petitioner / Appellant

Versus

The State rep. by
The Inspector of Police,
Vanniyampadi City Police Station,
Tirupattur.
(Crime No.22 of 2018)

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., pleased to suspend the sentence imposed in S.C.No.3 of 2022 by the Judgment dated 07.11.2023 passed by the learned III Additional Sessions Court, Tiruppathur and enlarge the petitioner on bail pending disposal of the Criminal Appeal in Crl.A.No.1489 of 2023.



Crl.MP.No.7365 of 2024

For Petitioner : Mr.R.Vivekananthan

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 and conviction made in S.C.No.3 of 2022 by the Judgment dated 07.11.2023 passed by the learned III Additional Sessions Court, Tiruppathur and enlarge the petitioner on bail pending disposal of the Criminal Appeal in Crl.A.No.1489 of 2023.

2.The petitioner, who was A4 in S.C.No.3 of 2022, was convicted and sentenced by the trial Court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A4	Under Sections 120B 364(A) IPC	Sentenced to undergo 7 years imprisonment. Sentenced to undergo life imprisonment and to pay a compensation of



Crl.MP.No.7365 of 2024

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
	342 IPC	Rs.10,000/- in default, to undergo rigorous imprisonment for one year. Sentenced to undergo imprisonment for one year
	392 r/w 397 IPC	Sentenced to undergo imprisonment for seven years

3. Aggrieved against the judgement of conviction and sentence imposed on the petitioner by the trial Court in S.C.No.3 of 2022, the petitioner has filed the present criminal appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the petitioner has not been identified. He further submitted that there are arguable points in this Criminal Appeal and the petitioner has every chance to succeed in this appeal. Thus, he prayed for suspension of sentence till the disposal of



Crl.MP.No.7365 of 2024

this Criminal Appeal.
WEB COPY

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

6. Taking into consideration of the above submission of the learned counsel appearing on both sides and since the participation of petitioner has not been identified, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. 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 substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition



Crl.MP.No.7365 of 2024

WEB COPY

that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned III Additional Sessions Court, Tiruppathur.

(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 to ensure their identity.

(iii) The petitioner shall appear before the Trial Court, as and when required.

[S.M.S., J.]

[V.S.G.,
J.]

23.10.2024

gd



Crl.MP.No.7365 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

gd

To

- 1.The III Additional Sessions Court, Thirupathur District.
- 2.The Inspector of Police,
Vanniyampadi City Police Station,
Tirupattur.
- 3.The Superintendent, Central Prison, Vellore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

Crl.MP.No.7365 of 2024

23.10.2024