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Crl.MP.No.6839 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.6839 of 2024 in Crl.A.No.466 of 2024

Selvam

...Petitioner / Appellant

Versus

The State rep. by
The Inspector of Police,
Katpadi Police Station,
Vellore District.
Crime No.194 of 2022

... Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., pleased to suspend the sentence imposed against the petitioner in S.C.No.16 of 2023 on the file of learned Ist Additional District and Sessions Court, Vellore, Vellore District dated 18.03.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.E.Kannadasan

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 against the petitioner in S.C.No.16 of 2023 on the file of learned Ist Additional District and Sessions Court, Vellore, Vellore District dated 18.03.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The petitioner in the above Sessions Case, was found guilty of the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1000/- in default to undergo Simple Imprisonment for three months in S.C.No.94 of 2015 dated 23.02.2023.

3.Aggrieved against the judgement of conviction and sentence 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.



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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. We have perused the evidence of PW6 as well as findings made by the Trial Court for conviction. Though the prosecution states that PW6 eye is the witness, the reading of the evidence would reveal that there are arguable points. The findings of the Trial Court also require further consideration in view of certain ambiguity noticed in the evidences produced.

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 sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Katpadi.



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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.

[S.M.S., J.]

[V.S.G.,
J.]

25.10.2024

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To

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- 1.The Judicial Magistrate, Katpadi
- 2.The Inspector of Police,
Katpadi Police Station,
Vellore District.
- 3.The Superintendent, Central Prison, Vellore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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AND
V.SIVAGNANAM, J.

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