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Crl.MP.No.8410/2024 in Crl.A.No.1522/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.8410/2024 in Crl.A.No.1522/2023

Ealiya

.. Appellant/3rd accused

Versus

The State represented by
The Inspector of Police,
B-2, Esplanade Police Station.
Cr.No.7 of 2021.

.. Respondent/Complainant

Prayer:-Civil Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend of the sentence passed in S.C.No.276 of 2021 by the learned I Additional Sessions Judge, City Civil Court at Chennai by its Judgment dated 03.10.2023 and enlarge the petitioner on bail, pending disposal of the above criminal appeal.



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For Petitioner : Ms.E.Yukshitha
for M/s.G.M.Gokulram

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 on the petitioner vide judgement and order dated 03.10.2023 passed in S.C.No.276 of 2021 on the file of the learned I Additional Sessions Judge, City Civil Court at Chennai and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner/A3 was found guilty of the charges under Sections 341, 302 and 506 (ii) of IPC and he was convicted and sentenced as follows:

Offence under Section	Sentence imposed
Section 341 r/w 34 of IPC	To undergo simple imprisonment for a period of one month and to pay a fine of Rs.500/-. In default of payment



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	of fine, he shall further undergo simple imprisonment for a period of one week.
Section 302 r/w 34 of IPC	To undergo rigorous imprisonment for life and to pay a fine of Rs.2,000/-. In default of payment of fine, he shall further undergo simple imprisonment for a period of 3 years.
Section 506 (ii) r/w 34 of IPC	To undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/-. In default of payment of fine, he shall further undergo simple imprisonment for a period of three months.

3. The evidence of P.W.1, PW.2 & P.W.3 eyewitnesses are cogent and reveals the presence of petitioner/A3 in the seen of occurrence along with A1 and A2. The deposition of P.W.4 also corroborates and he identified the petitioner/A3. Ex.P.10 is the photographs and CD of seen of crime, which also throws some light on the seen of occurrence and support the evidence of other witnesses.

4. Thus, the petitioner has not made out any *prima facie* case for



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granting suspension of sentence and consequently, this Miscellaneous
Petition stands **dismissed**.

[S.M.S., J.] [V.S.G., J.]
08.08.2024

veda

Internet: Yes

To

- 1.The I Additional Sessions Judge, City Civil Court at Chennai.
2. The Inspector of Police,
B-2, Esplanade Police Station.
- 3.The Central Prison,
Puzhal,
Chennai.
- 4.The Additional Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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and

V.SIVAGNANAM, J.

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