



Crl.MP.No.7917 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Crl.MP.No.7917 of 2024 in Crl.A.No.694 of 2024

Vazhivittan Ayyanar

...Petitioner / Appellant

Versus

The State rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur (Crime No.217 of 2021)

... Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend the sentence imposed by the learned Principal Sessions Judge at Tiruppur by Judgemnt dated 26.07.2022 in S.C.No.93 of 2021 and enlarges the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondent : Mr.S.Rajakumar
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 by the learned Principal Sessions Judge at Tiruppur by Judgemnt dated 26.07.2022 in S.C.No.93 of 2021 and enlarges 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 awarded sentence of imprisonment for life with fine Rs.1,000/- in default to undergo one month rigorous imprisonment in S.C.No.93 of 2021 dated 26.07.2022.

3.Aggrieved against the judgement of conviction and sentence imposed on the petitioner by the trial Court in S.C.No.93 of 2021, 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



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

5. The Trial Court convicted the appellant relying on the evidence of PW5 and the post-mortem report. We have gone through the evidence of PW5 and the post-mortem report. It appears that dispute existed between the deceased and the convict, as they were co-employees in a company. On account of wordy quarrel in a drunken mode, the deceased attacked the convict and in lieu, the convict, during midnight attacked the deceased, who died subsequently. Since there is an arguable point in favour of the petitioner, we are inclined to consider this petition.

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



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learned Judicial Magistrate Court, Palladam.

(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.

7. Post the Criminal Appeal after two weeks.

[S.M.S., J.]

[M.J.R.,
J.]

06.11.2024

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To

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



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M.JOTHIRAMAN, J.

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