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Crl.M.P.No.10715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.10715 of 2023

in

Crl.A.No.302 of 2023

Purushothaman

...Petitioner/Appellant

Vs.

The State represented By:
The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
(Crime No.823 of 2019)

...Respondent/Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence of imprisonment passed by the Learned Principal Sessions Judge, dated 09.02.2023 in S.C.No.225 of 2020 and release of the petitioner/Appellant on bail pending disposal of the appeal.

For Appellant : M/s.S.Paulgnanamuthu

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER



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This miscellaneous petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 05.02.2024 passed by the Learned III Additional District Sessions Judge, Kallakurichi in Crl.A.No.31 of 2022 partly confirming the order passed in S.C.No.387 of 2012 dated 05.08.2022 and enlarge the appellant on bail pending disposal of the above criminal appeal.

2. The appellant was convicted for the offence under Section 304(i) and sentenced to undergo ten years of simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for a period of three months; convicted for the offence under section 307 of I.P.C and sentenced to undergo Simple Imprisonment for a period of seven years and to pay a fine of Rs.1000/-, in default, to undergo Simple Imprisonment for a period of three months; convicted under section 309 of I.P.C and sentenced to undergo three months of Simple Imprisonment vide order dated 09.02.2023 passed by the learned Principal Sessions Judge, Villupuram in S.C.No.225 of 2020 and the sentences were directed to run concurrently. Aggrieved by the same, the present appeal has been filed along with the



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petition seeking suspension of sentence and to grant bail to the appellant pending the above Criminal Appeal.

3. The learned counsel for the appellant would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that the appellant is now confined in Central Prison, Cuddalore.

4. On the above contentions, this Court 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 Criminal Appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, this Court is 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



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suspended and the appellant is directed to be enlarged on bail, on condition that the appellants shall execute a bond for a sum of Rs.10,000/- each (each Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate II, Ulunderpet, and on further condition that the appellant shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

7. This criminal miscellaneous petition is ordered accordingly.

26.04.2024

NHS

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

Note to Office : Issue Order Copy on 26.04.2024



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To

1. Learned Judicial Magistrate II,
Ulunderpet,
2. Learned Principal Sessions Judge,
Villupuram.
3. The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
4. The Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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