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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P. No.9734 of 2024
in Crl.A.No.868 of 2024**

1.Saravanan

2.Vicky @ Vignesh

... Petitioners

-Vs-

The State Rep.by
The Inspector of Police (Law & Order),
H6, RK Nagar Police Station,
Chennai-600 021.
In Crime No.3776/2020

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389(1) of the Criminal Procedure Code, to suspend the sentence of imprisonment imposed in S.C.No.194 of 2022 on the file of the learned V Additional Sessions Judge, Chennai, to enable the petitioners/accused to prefer appeal before the Appellate Court.

For petitioners : Mr.K.Vanikala

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

ORDER



The Criminal Appeal has been filed as against the Judgment and sentence passed by the learned V Additional Sessions Judge, Chennai, in S.C.No.194 of 2022, dated 25.04.2024, in and by which, the petitioners were convicted for the offence under Sections 341, 294(b), 307 and 506(ii) IPC and in respect of Section 341 IPC, the petitioners were directed to pay fine amount of Rs.500/- each, in default, to undergo one month simple imprisonment and in respect of Section 294(b) IPC, the petitioners were directed to pay fine amount of Rs.1,000/- each, in default, to undergo one month simple imprisonment and in respect of Section 307 IPC, the petitioners were sentenced to undergo four years rigorous imprisonment and pay the fine amount of Rs.5,000/- each, in default, to undergo six months simple imprisonment and for the offence under Section 506(ii) IPC, the petitioners were sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- each, in default, to undergo two months simple imprisonment. All the sentences were ordered to be run concurrently. Challenging the same, the petitioners have filed the Criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned Additional Public Prosecutor appearing for the



respondent Police submits that in respect of the first petitioner/A2, three previous cases are pending against him and in respect of the second petitioner/A3, no previous case is pending against him.

3. The learned counsel for the petitioners has raised several arguable grounds insofar the appeal is concerned and it will take some more time for this Court to take up the criminal appeal and to dispose of the same.

4. Considering the previous antecedent of the first petitioner/A2, this Court is not inclined to suspend the sentence imposed against the first petitioner.

5. Considering the facts and circumstances of the case and the fact that no previous case is pending against the second petitioner, the punishment of imprisonment imposed as against the second petitioner is hereby suspended and he is directed to be released on bail on the following conditions:

a) the second petitioner shall execute a bond for a sum of



Rs.10,000/- to the satisfaction of the learned V Additional Sessions Judge, Chennai, along with two sureties for a like sum;

b) the second petitioner shall report before the Court below on the first working day of every month, pending disposal of the appeal.

6. Accordingly, the Criminal Miscellaneous Petition is partly allowed.

**09.07.2024
(1/2)**

ssb

Note: Issue order copy on 09.07.2024



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To

1. The Inspector of Police (Law & Order),
H6, RK Nagar Police Station,
Chennai-600 021.
2. The learned V Additional Sessions Judge, Chennai.
3. The Public Prosecutor, High Court of Madras.



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M.DHANDAPANI, J.

ssb

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