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Crl.M.P.No.9930 of 2024
in Crl.A.No.1095 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM:

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

Crl.M.P.No.9930 of 2024
in Crl.A.No.1095 of 2023

Palanisamy @ Palani

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
(Cr.No.2377/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., seeking to suspend the sentence made in S.C.No.3 of 2022 on the file of the learned Principal Sessions Judge, Tiruppur dated 21.09.2022 and enlarge the petitioner on bail pending disposal of the Crl.A.No.1095 of 2023.

For Petitioner : Mr.J.Jayan

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 dated 21.09.2022 passed in S.C.No.3 of 2022 on the file of the learned Principal Sessions Judge, Tiruppur and release the petitioner on bail.

2. The petitioner in the above Sessions Case was convicted and sentenced to life imprisonment and a fine of Rs.2,000/- in default to undergo 3 months R.I. for the offence under Section 302 IPC and 2 years R.I. along with a fine of Rs.1000/- in default to undergo 3 months R.I. for the offence under Section 449 IPC.

3. Aggrieved against the said judgement of conviction and sentence imposed on the petitioner by the Trial Court in S.C.No.3 of 2022, the petitioner has filed the present miscellaneous petition in the criminal appeal seeking suspension of sentence and bail.



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4. The evidence of P.W.1, P.W.5 and PM report would reveal that there are arguable points in the appeal filed by the convict prisoner. Further, A2 to A4 were already granted relief of suspension of sentence by this Court.

5. However, the learned Additional Public Prosecutor would oppose by stating that eye witnesses and electronic evidences (CCTV footage) are available.

6. Taking into consideration the above facts and circumstances, we are inclined to consider the present petition.

7. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence of imprisonment 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 sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tiruppur.



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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 passbook 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.

8. Post the Criminal Appeal after two weeks.

(S.M.S, J.)

(M.J.R, J.)

11.12.2024

Sni



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To
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1.The Principal Sessions Judge,
Tiruppur.

2.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.

3.The Superintendent,
Central Prison,
Coimbatore.

4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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S.M.SUBRAMANIAM, J.
and
M.JOTHIRAMAN, J.

Sni

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