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CrL.MP.No.18722/2022 in CrL.A.No.1236/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrL.MP.No.18722/2022 in CrL.A.No.1236/2022

Seenivasan

.. Petitioner/Accused

Versus

State represented by
The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai - 600 024.
(Crime No.627 of 2012)

.. Respondent

Prayer:-Civil Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend the sentence imposed by the trial court in judgment dated 21.10.2016 in S.C.No.483 of 2012 on the file of the XV Additional Sessions Judge, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner : M/s.Ilayaraja Kandasamy
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The petitioner seeks suspension of sentence against conviction and sentence passed by the learned XV Additional District and Session Judge, Chennai dated 21.10.2016 in S.C.No.483 of 2012, pending disposal of the criminal appeal.

2. The petitioner was found guilty under Section 302 of Indian Penal Code convicted under Section 235(2) Criminal Procedure Code and sentenced to undergo life imprisonment and imposed a fine of Rs.15,000/- in default to undergo six months simple imprisonment.

3. The petitioner was locked in Central Prison, Puzhal, soon after conviction in the year 2016. The petitioner is in prison for more than 12 years.



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4. We have considered the arguable points raised by the learned Counsel appearing on behalf of the petitioner.

5. Considering the longevity of jail term undergone by the petitioner, this Miscellaneous Petition stands **allowed** and the sentence imposed by the Trial Court in Judgment dated 21.10.2016 in SC.No.483 of 2012 on the file of the XV Additional District and Sessions Judge, Chennai stands **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 learned XV Additional District and Sessions Judge, Chennai.
- (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



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(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 and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

[S.M.S., J.] [V.S.G., J.]
07.08.2024

veda

Internet: Yes

To

1. The XV Additional District and Sessions Judge,
Chennai.

2. The Central Prison,
Puzhal-1.

3. The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai - 600 024.

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



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S.M.SUBRAMANIAM, J.

and

V.SIVAGNANAM, J.

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