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CrL.MP.No.13784 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

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

CrL.MP.No.13784 of 2024 in CrL.A.No.1233 of 2024

Udayakumar

...Petitioner / Appellant

Versus

The State rep. by
The Inspector of Police,
Vaniyambadi Town Police Station,
Vanniyambadi.

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., pleased to suspend the sentence dated 07.11.2023 and release on bail imposed on the petitioner in S.C.No.3 of 2022 on the file of the III Additional District and Sessions Judge, Thirupathur.

For Petitioners : Mr.A.Rajapandian

For Respondent : Mr.S.Raja Kumar
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 07.11.2023 and release on bail the petitioner in S.C.No.3 of 2022 on the file of the III Additional District and Sessions Judge, Thirupathur.

2.The petitioner in the above Sessions Case, was convicted and sentenced under Sections 120(B), 342, 364(A), 392 IPC r/w Section 397 IPC sentencing the petitioner to 7 years imprisonment for alleged offence under Section 120(B) of IPC, life imprisonment for alleged offence under Sections 364(A) IPC and fine of Rs.10,000/- and in default of the fine amount to undergo further imprisonment of one year and 1 year imprisonment for alleged offence under Sections 341 IPC and 7 years imprisonment for alleged Section 392 r/w 397 IPC in S.C.No.3 of 2022 dated 07.11.2023.



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3. Aggrieved against the judgement of conviction and sentence imposed on the petitioner by the trial Court in S.C.No.3 of 2022, the petitioner has filed Miscellaneous Petition in the criminal appeal seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the petitioner has not been identified. He further submitted that there are arguable points in this Criminal Appeal and the petitioner has every chance to succeed in this appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

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

6. Taking into consideration of the above submission of the learned counsel appearing on both sides and since the participation of petitioner has not been identified, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal.



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Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. 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 substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned III Additional Sessions Court, Tiruppathur.

(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 to ensure their identity.

(iii) The petitioner shall appear before the Trial Court, as and when required.



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8. Post the Appeal after two weeks.

[S.M.S., J.] [M.J.R.,J.]
11.11.2024

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To

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- 1.The III Additional District and Sessions Judge, Thirupathur.
- 2.The Inspector of Police,
Vaniyambadi Town Police Station,
Vanniyambadi.
- 3.The Superintendent, Central Prison, Vellore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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AND
M.JOTHIRAMAN, J.

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