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Crl.MP.No.13296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.13296 of 2024 in Crl.A.No.269 of 2024

Nawas

...Petitioner / Appellant

Versus

The State rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Crime No.367 of 2015)

... Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., pleased to suspend the sentence imposed in S.C.No.88 of 2016 on the file of the Sessions Court Magalir Neethimandram (Fast Track Mahila Court) Tiruppur District dated 14.09.2023 and enlarge the petitioner on bail in the disposal of C.A.No.269/2024.

For Petitioner : Mr.V.Parthiban
for Mr.Philip Ravindran Jesudoss

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 imposed in S.C.No.88 of 2016 on the file of the Sessions Court Magalir Neethimandram (Fast Track Mahila Court) Tiruppur District dated 14.09.2023 and enlarge the petitioner on bail in the disposal of C.A.No.269/2024.

2.The petitioner in the above Sessions Case, was found guilty of the offence under Section 302 of IPC and sentenced to undergo life imprisonment and also imposed a fine of Rs.10,000/- in default to undergo rigorous imprisonment for one year in S.C.No.88 of 2016 dated 17.03.2023.

3.Aggrieved against the judgement of conviction and sentence imposed on the petitioner by the trial Court in S.C.No.88 of 2016, the petitioner has filed the present criminal appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.



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

5. The evidences of PW1 and PW2 eye witness would reveal that, on previous date of the occurrence, both the accused and the deceased/victim stayed together and during early morning, the Manager of the Dargah found that both were quarreling with each other and on account of sudden provocation, the occurrence seems to have happened. *Prima facie*, it is a case of sudden provocation. There is a arguable point on the part of the petitioner. Thus, we are inclined to grant suspension of sentence to the petitioner.

6. 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 petitioner shall execute a bond for a



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sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam, Tiruppur District.

(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

(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.

[S.M.S., J.]

[V.S.G.,
J.]

28.10.2024

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To

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- 1.The Sessions Court Magalir Neethimandram (Fast Track Mahila Court)
Tiruppur District
- 2.The Judicial Magistrate, Palladam, Tiruppur District.
- 3.The Inspector of Police,
Palladam Police Station,
Tiruppur District.
- 3.The Superintendent, Central Prison, Coimbatore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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