

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 21.06.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

**Crl.MP.No.20272 of 2023**  
**and Crl.A No.1665 of 2023**

Senthoorpandi

... petitioner

-Vs-

The Inspector of Police,  
C-4, Somamangalam Police Station,  
Kancheepuram.

... Respondent

**Prayer:** Criminal miscellaneous petition has filed under Sections 389 (i) of the Criminal Procedure Code, to suspend the sentence imposed in CC.No.48 of 2016 dated 14.06.2022 by the Additional Sessions Judge (FTC) at Kancheepuram.

For petitioner : Mr.A.Sivakumar

For Respondent : Mrs.G.V.Kasthuri

Additional Public Prosecutor

**ORDER**

The Criminal Appeal has been filed as against the Judgment passed by the learned Additional Sessions Judge, FTC, Kancheepuram in judgment dated 14.06.2022 in SC.No.48 of 2016, convicted the petitioner for an offence Under 304-II of IPC and sentenced the petitioner to undergo seven years RI and to pay a fine of Rs.5000/-, in default, to undergo three months



SI. Challenging the said judgement, the petitioner has filed the above appeal and miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned counsel for the petitioner submitted that the petitioner is an innocent. The petitioner was already in prison for more than 1 ½ years and the petitioner is aged about 64 years and he is an diabetic patient. Therefore, the learned counsel prays to suspend the sentence imposed on the petitioner.

3. The learned Government Advocate submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. This Court carefully considered the submissions made on either side.

5. Considering the facts and circumstances of the case and in view of the fact that there are arguable points which require a consideration in the appeal, this Court is inclined to suspend the sentence imposed by the Court below.



6. The sentence imposed by the Court below vide Judgment made in SC.No.48 of 2016 dated 14.06.2022 on the file of learned Additional Sessions Judge, FTC, Kancheepuram is hereby suspended, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge, FTC, Kancheepuram and to appear before the learned Additional Sessions Judge, FTC, Kancheepuram on the first working day of every week at 10.30 a.m., until further orders.

**21.06.2024**

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**Note: Issue order copy on 24.06.2024**

**To**

1. The Additional Sessions Judge, FTC, Kancheepuram.
2. The Inspector of Police,  
C-4, Somamangalam Police Station,  
Kancheepuram.
3. The Public Prosecutor,  
High Court, Madras.
5. The Superintendent  
Central Prison, Puzhal, Chennai.



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**M.DHANDAPANI.,J**  
**rli**

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**21.06.2024**