



Crl.A.No.842 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.MP.No.16207 of 2023

in

Crl.A.No.842 of 2023

Asangan @ Ashokan

...Petitioner

Vs.

State: Rep. By
Inspector of Police
Voimedu Police Station.
(Cr.No.30/2017)

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence of imprisonment passed by the learned Sessions Judge, Nagapattinam dated 28.06.2023 in S.C.No.1 of 2018 and release the petitioner/appellant on bail pending disposal of the appeal.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mrs.G.V.Kasthuri,
Addl. Public Prosecutor

ORDER



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This Criminal Miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed in S.C.No.1 of 2018 dated 28.06.2023 on the file of the learned Sessions Judge, Nagapattinam and enlarge the petitioner on bail.

2. The petitioner/appellant was convicted for the offence under Section 304(II) of IPC and was sentenced to undergo 10 years of rigorous imprisonment and was ordered to pay a fine of Rs.2,000/- and in default of payment of fine, to undergo simple imprisonment for another six months, vide order dated 28.06.2023 made in SC.No.1 of 2018. Aggrieved by the same, the above appeal has been filed along with this petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and petitioner is now confined in Central Prison, Nagapattinam for about one year.

4. Having regard to the fact that there are arguable points involved in



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the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall appear and 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 Judicial Magistrate, Vedharanyam and on further condition that the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

6. This criminal miscellaneous petition is ordered accordingly.

12.06.2024

skt

M.DHANDAPANI, J.

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WEB COPY

- To
1. The Sessions Judge, Nagapattinam.
 2. The Inspector of Police
Voimedu Police Station.
 3. The Public Prosecutor, High Court of Madras.
 4. The Judicial Magistrate, Vedharanyam.
 5. The Central Prison, Nagapattinam.

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