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CrLMP.No.14027/2024 in CrL.A.No.1251/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

CrLMP.No.14027 of 2024 in CrL.A.No.1251 of 2024

S. Thiagarajan

.. Petitioner

Versus

State rep. by Inspector of Police,
K10-Koyambedu Police Station,
Chennai.

Crime No.153/2023

.. Respondents

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend the sentence imposed against the petitioner in the order passed in Special Case No.480 of 2023 by the Hon'ble XVII Additional Sessions Court at Chennai, dated 10.09.2024 and enlarge this petitioner on bail pending disposal of the above Criminal Appeal on the file of Hon'ble High Court.

For Petitioner : Mr. S.V.Ramamurthy
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

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

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement dated 10.09.2024 in S.C.No.480 of 2023 by the XVII Additional Sessions Court, Chennai and enlarge the petitioner on bail, pending disposal of the appeal.

2. The trial Court, by a judgment dated 10.09.2024, acquitted the petitioner/sole accused from the offences under Sections 294(b), 203 IPC and convicted him for the offence under Section 302 IPC and sentenced him to undergo life sentence and imposed a fine of Rs.5,000/-, in default, to undergo simple imprisonment for 6 months.

3. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

4. We have gone through the evidence of PW2, who is an eyewitness. He deposed by stating that there was a quarrel between the deceased and the accused, due to which, the accused by keeping his hands in the face of the



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deceased pushed him, which resulted in falling down in a weighing machine and thereby, the accused sustained some injuries. The Doctor's evidence also speaks about the nature of the injuries. The Doctor found during postmortem that the deceased underwent surgery prior to the occurrence. There was no indication that the accused was aware of any such surgery underwent by the deceased on the date of occurrence.

5. Considering the facts and circumstances of the case and also the fact that there are arguable points involved in this appeal, we are inclined to grant suspension of sentence to the petitioner.

6. Accordingly, the relief of suspension of sentence is granted to the petitioner 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.25,000/- (Rupees twenty five thousand only) along with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, XVII Additional Sessions Court, Chennai.*

(ii) The petitioner and the sureties shall affix their photographs and



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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.

(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 .

7. List the criminal appeal next week.

[S.M.S., J.] [M.J.R., J.]
22.11.2024

mrp

To

1. The Sessions Judge,
XVII Additional Sessions Court,
Chennai.
2. Inspector of Police,
K10-Koyambedu Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.

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



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**S.M.SUBRAMANIAM, J.
and
M.JOTHIRAMAN, J.**

mrp

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in CrI.A.No.1251/2024**

22.11.2024