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Crl.M.P.No.14351 of 2024 in Crl.A.No.1284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.14351 of 2024
in Crl.A.No.1284 of 2024

Krishnan

... Petitioner/Sole Accused
Vs.

The State Rep. by
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
(Cr.No.651/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) r/w 483 of Cr.P.C., to suspend the sentence imposed in S.C.No.121 of 2021 dated 07.12.2023 on the file of the learned Sessions Judge, Fast Track Mahalir Neethimandram, Krishnagiri, Krishnagiri District, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.E.Kannadasan
For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)
assisted by Ms.A.Shahana Fathima

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/accused by judgment and order dated 07.12.2023 passed in S.C.No.121 of 2021 on the file of the



learned Sessions Judge, Fast Track Mahalir Neethimandram, Krishnagiri, Krishnagiri District, and to enlarge the petitioner on bail pending disposal of the appeal.

2. It is the case of the prosecution that the defacto complainant's mother [PW4] and the petitioner herein are siblings; that due to a property dispute, the petitioner had attacked PW4 with a wooden log; that she sustained grievous injuries and hence, he committed the offence under Section 307 of IPC.

3. The petitioner was convicted for the offence under Section 307 of IPC and sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.2000/- in default to undergo simple imprisonment for one year.

4. Heard Mr.E.Kannadasan, learned counsel for the petitioner and Mr.V.J.Priyadarsana, learned Government Advocate (Crl.Side) appearing for the respondent/State.

5. The learned counsel appearing for the petitioner would submit



that the petitioner is in custody from 07.12.2023 and there are contradictions in the evidence of eyewitness and hence, the trial Court was not right in convicting the petitioner and he prayed for grant of suspension of sentence to the petitioner.

6. The learned Government Advocate (Crl. Side) *per contra* submitted that the prosecution case has been established beyond reasonable doubt and minor contradictions would not affect the prosecution case in any manner and therefore, the petitioner is not entitled to suspension of sentence.

7. The evidence of the witnesses has to be evaluated during the final hearing in the appeal in the light of the contradictions pointed out by the learned counsel for the petitioner. The petitioner has raised substantial grounds in the appeal Further, the petitioner is in custody from 07.12.2023.

8. Therefore, considering the above facts, the period of incarceration and the fact that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of



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sentence to the petitioner.

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9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- , with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahalir Neethimandram, Krishnagiri, Krishnagiri 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 and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

05.11.2024

ars

Issue order copy by .11.2024



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To

1. The Sessions Judge,
Fast Track Mahalir Neethimandram,
Krishnagiri.
2. The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
3. The Superintendent of Prisons,
Central Prison, Vellore.
4. The Public Prosecutor,
Madras High Court.

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SUNDER MOHAN, J.

ars

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05.11.2024