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Crl.MP.Nos.14069 & 14073 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

**Crl.MP.Nos.14069 & 14073 of 2024**

**in**

**Crl.A.Nos.1263 & 1264 of 2024**

- |                           |                                                        |
|---------------------------|--------------------------------------------------------|
| 1.Pratheek Krishnamoorthy | ...Petitioner/Appellant in Crl.M.P.No.14069<br>of 2024 |
| 2.Krishnamoorthy          | ...Petitioner/Appellant in Crl.M.P.No.14073<br>of 2024 |

Versus

The State rep. by  
The Inspector of Police,  
E-4, Abhiramapuram Police Station,  
Chennai – 600 018.  
Crime No.710 of 2010.

... Respondents in both petitions

**Common Prayer:-**Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend the sentence imposed on the petitioners by judgment dated 03.10.2024 passed in S.C.No.108 of 2011 on the file of the learned II Additional Sessions Judge, Chennai and enlarge the petitioners on bail pending disposal.



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CrLMP.Nos.14069 & 14073 of 2024

(In both petitions)

For Petitioner : Mr.R.Vivekanandhan

For Respondent : Mr.S.Rajakumar  
Additional Public Prosecutor

**COMMON ORDER**

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

The criminal miscellaneous petitions have been filed seeking to suspend the sentence imposed on the petitioners by judgment dated 03.10.2024 passed in S.C.No.108 of 2011 on the file of the learned II Additional Sessions Judge, Chennai and enlarge the petitioners on bail pending disposal.

2. Heard the learned counsel for the parties.

3. Conviction in the present case is based on circumstantial evidence. PW4 is considered as the important witness, which lead to commission of alleged offence. Unfortunately, PW4 turned hostile and not said anything about the scene of occurrence. The Trial Court relied on the 161 statement of the PW4 and her statement given before the learned



CrLMP.Nos.14069 & 14073 of 2024

Judicial Magistrate under Section 164 Cr.P.C. Relying on these aspects, the Trial Court convicted the petitioners.

4. Since there is an arguable point in favour of the petitioners/accuseds, we are inclined to consider the present petitions.

5. Accordingly, this criminal miscellaneous petitions stand **allowed** and the sentence of imprisonment is **suspended** on the following conditions:

(i)The petitioners shall execute separate bond for a sum of Rs.25,000/- each, with two independent sureties, each for a like sum to the satisfaction of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

(ii)The petitioners 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



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CrLMP.Nos.14069 & 14073 of 2024

(iii)The petitioners 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.

**6.** Post the Criminal Appeals after two weeks.

[S.M.S., J.] [M.J.R., J.]  
14.11.2024

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CrLMP.Nos.14069 & 14073 of 2024

To

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- 1.The XXIII Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Inspector of Police,  
E-4, Abhiramapuram Police Station,  
Chennai – 600 018.
- 3.The Superintendent, Central Prison, Puzhal.
- 4.The Public Prosecutor,  
Madras High Court,  
Chennai – 600 104.



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CrI.MP.Nos.14069 & 14073 of 2024

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

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CrI.MP.Nos.14069 & 14073 of 2024

14.11.2024