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Crl.M.P.No.17253 of 2023 In Crl.A.No.1222 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.17253 of 2023

In

Crl.A.No.1222 of 2023

Sathish

... Petitioner

Vs.

The State Rep By:
The Inspector of Police,
R-8, Vadapalani Police Station,
Crime No.2862 of 2015
Chennai City.

... Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence of imprisonment imposed in the judgment dated 08.09.2023 made in S.C.No.513 of 2018 on the file of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Ms.R.Renukadevi
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

This miscellaneous petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 08.09.2023 passed by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai in S.C.No.513 of 2018 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.Appellant was convicted for the offence under Sections 498A and 306 of I.P.C. and was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months simple imprisonment for the offence under Section 498A of I.P.C. and to undergo ten years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment for the offence under Section 306 of I.P.C. under judgment in S.C.No.513 of 2018 dated 08.09.2023. Hence, the appellant seeks suspension of sentence.

3.The learned counsel for the appellant would submit that there are lot of material contradictions in the evidence of the prosecution



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and the prosecution evidence is also highly unbelievable. He would further submit that the appellants are now confined in Central Prison, Puzhal.

4.Heard the submissions of the learned Additional Public Prosecutor.

5.Having regard to the fact that there are arguable points involved in 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 appellants are entitled for the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant is directed to be enlarged on bail, on condition that the appellant 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 XVII Metropolitan Magistrate, Saidapet, Chennai and on further condition that the appellant shall appear before the trial Court at 10.30 a.m. on the first

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working day of every English Calendar month, pending appeal.

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7.This criminal miscellaneous petition is ordered accordingly.

17.04.2024

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Index: Yes/No
Speaking Order: Yes/No
NCC: Yes/No

To

- 1.The Sessions Judge, Mahalir Neethimandram,
Allikulam, Chennai.
- 2.The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai City.
Crime No.2862 of 2015
- 3.The Central Prison,
Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI,J.

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