



Crl.M.P.No.15741 of 2024
in
Crl.R.C.No.1923 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.15741 of 2024
in Crl.R.C.No.1923 of 2024

Ranganathan

... Petitioner/Appellant/Accused

Vs.

State, The Inspector of Police,
Devala Police Station,
The Nilgris.
(Cr.No.197/2005)

...Respondent/Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 397 r/w 401 of Cr.P.C., to suspend the sentence imposed on the revision petitioner/accused in C.C.No.138 of 2014 dated 27.09.2022 on the file of the learned Judicial Magistrate Pandalur and confirmed in Crl.A.No.50 of 2022 dated 23.09.2024 by the learned Sessions Division of the Nilgris District at Udthagamandalam and enlarge the petitioner on bail.

For Petitioner : Mr.E.V.Chandru @ E.Chandrasekaran

For Respondent : Ms.V.J.Priyadarsana
Government Advocate (Crl.Side)

ORDER



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2. The case of the prosecution is that when the *de-facto* complainant went to enquire the petitioner about a certain incident on account of prior enmity, the petitioner had attacked *de-facto* complainant with a knife, which resulted in grievous injury to the *de-facto* complainant and a case was registered on the complaint of the *de-facto* complainant for the offence under Section 326 of the IPC.

3. Mr.E.V.Chandru, the learned counsel for the petitioner/accused/appellant, would submit that P.W.1 to P.W.5 are official witnesses and the prosecution has not examined any independent witnesses;



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and that the Doctor, was not examined to prove that the victim sustained grievous injuries; that therefore, the Judgments of the Courts below are liable to be set aside; that the petitioner is aged about 75 years; and that since the petitioner had surrendered, his sentence of imprisonment has to be suspended.

4. Mr.V.J.Priyadarsana, the learned Government Advocate (Crl.Side) for the respondent, *per contra*, would submit that the Judgments of the Courts below are in accordance with law and hence, the petitioner has not made out any ground for the Suspension of Sentence.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the submissions made by the learned counsel for the petitioner, the age of the petitioner and the fact that he had surrendered on 19.11.2024, this Court is inclined to grant the relief of suspension of the sentence imposed on the petitioner on the following conditions till the disposal of the above Criminal Revision:



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(a) The petitioner is ordered to be enlarged on bail, on condition that he 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 Judicial Magistrate, Pandalur, Nilgiris;

(b) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if he is not able to appear before the Trial Court on that 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.

(c) 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

(d) In the event of failure on satisfying the above conditions, this order would stand automatically cancelled.



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7. Accordingly, this Criminal Miscellaneous Petition is ordered.

20.11.2024
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Note: Issue order copy on 25.11.2024

To

- 1.The Judicial Magistrate Pandalur,
Nilgris.
- 2.The Sessions Division of the Nilgris District,
Udhagamandalam.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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