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Crl.M.P.No.18301 of 2023 In Crl.A.No.961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.18301 of 2023

In

Crl.A.No.961 of 2023

Darman

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Appakkooal Police Station,
Erode District.

... Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence awarded in the judgment dated 20.06.2023 passed by the Court of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode in Sessions Case No.79 of 2019 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.Manojkumar
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

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This miscellaneous petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 20.06.2023 passed by the learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode in Sessions Case No.79 of 2019 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.Petitioner/ Appellant was convicted for the offence under Section 304(ii) of I.P.C. and was sentenced to undergo ten years rigorous imprisonment for the offence under Section 304(ii) of I.P.C. under judgment in Sessions Case No.79 of 2019 dated 20.06.2023. The period of detention already undergone by the accused was ordered to be set off under Section 428 of Cr.P.C. by the trial Court. Hence, the appellant seeks suspension of sentence.

3.The learned counsel for the appellant submitted that the appellant attacked his second wife with weed remover on suspicion since she had conversation with some un-known persons frequently and would further submit that the petitioner is having a four years old child and he have to take care of the child and that the appellant has undergone incarceration for more than one year.



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4.The learned counsel for the appellant further submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. The learned counsel would further submit that the appellant is now confined in Central Prison, Coimbatore.

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

6.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 appellant is entitled for the relief of suspension of sentence.

7.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 Sessions Judge, Magalir

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Neethi Mandram, (Fast Track Mahila Court), Erode and on further condition that the appellant shall appear before the trial Court at 10.30a.m. on the first working day of every English Calendar month, pending appeal.

8.This criminal miscellaneous petition is ordered accordingly.

25.04.2024

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

To

- 1.The Sessions Judge, Magalir Neethi Mandram,
(Fast Track Mahila Court), Erode.
- 2.The Inspector of Police,
Appakkooal Police Station,
Erode District.
- 3.The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

M.DHANDAPANI,J.

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