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*Crl.M.P.No.15917 of 2024
in Crl.A.No.1395 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.15917 of 2024

in

Crl.A.No.1395 of 2024

1.Sairam

2.Chitheshwaraiya

...

Petitioners /A.1 & A.3

Vs.

The State of Tamilnadu

Reprsentd by the Inspector of Police,

J7 – Velachery Police Station,

Chennai – 600 042.

...

Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS Act 2023 praying to suspend the sentence imposed in S.C.No.458 of 2023 passed on 23.04.2024 on the file of the I Additional Sessions Judge, City Civil Court, Chennai and enlarge the petitioners on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.R.R.Raaghavan

For Respondent : Dr.C.E Pratap,
Govt. Advocate (Crl.side)



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the I Additional Sessions Judge, City Civil Court, Chennai in S.C.No.458 of 2023 dated 23.04.2024 and enlarge the petitioners on bail, pending disposal of the Criminal Appeal.

2. It is the case of the prosecution that on account of previous enmity on 09.04.2023, at about 8 p.m., the petitioners had attempted to cause murder of the victim with knife and that caused severe injuries on the head and on legs of the victim.

3. The petitioners/A.1 & A.3 in S.C.No.458 of 2023 were convicted by the Trial Court by judgment dated 23.04.2024 and A.1 was sentenced for the offence under Section 341 r/w 34 of IPC to undergo Simple Imprisonment for one month and to pay a fine of Rs.500/-, and in default, to undergo Simple Imprisonment for one week ; under Section 307 r/w 34 IPC to undergo Rigorous Imprisonment for a 5 years and to pay a fine of Rs.10,000/-, in default to undergo Simple Imprisonment for six months; under Section 336 r/w 34 of IPC to undergo Rigorous Imprisonment for one month and to pay a fine of Rs.250/- and in default, to undergo Simple Imprisonment for one week. A.3



*Crl.M.P.No.15917 of 2024
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was sentenced to undergo Simple Imprisonment for one month and to pay a fine of Rs.500/- and in default to undergo Simple Imprisonment for one week, for the offence u/s 341 r/w 34 of IPC; sentenced to undergo Rigorous Imprisonment for 4 years and to pay a fine of Rs.5,000/- and in default, to undergo Simple Imprisonment for six months for the offence under Section 307 r/w 34 of IPC and sentenced to undergo Rigorous Imprisonment for one month and to pay a fine of Rs.250/- and in default, to under Simple Imprisonment for one week for the offence under Section 336 r/w 34 of IPC. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1395 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that except PW1, all other witnesses have turned hostile; and that PW1 has given contrary versions and had deposed contrary to the statement given by him under Section 164 Cr.P.C.; and that there are several arguable points in the appeal which requires consideration.



*Crl.M.P.No.15917 of 2024
in Crl.A.No.1395 of 2024*

WEB COPY

5. Heard the learned Government Advocate (crl.side) appearing for the respondent who would oppose for grant of suspension of sentence to the petitioners.

6. It is seen from the records that except PW1, all other witnesses have turned hostile. The petitioners have raised substantial grounds in the above appeal which requires consideration and that the petitioners are in custody from 23.04.2024. Hence, this court is inclined to grant the relief of suspension of sentence to the petitioners.

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

- (i) The petitioners shall execute a bond for a sum of Rs.10,000/- each, with two sureties, each for a like sum to the satisfaction of the learned I Additional Sessions Judge, City Civil Court, 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



*Crl.M.P.No.15917 of 2024
in Crl.A.No.1395 of 2024*

WEB COPY

(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 and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

27.11.2024

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Issue order copy by 29.11.2024
Upload the order copy forthwith.

To

1.The I Additional Sessions Judge,
City Civil Court,
Chennai

2. The Superintendent,
Central Prison,
Puzhal, Chennai.

3.The Inspector of Police,
J7 – Velachery Police Station,
Chennai – 600 042.

4.The Public Prosecutor,
High Court, Madras.



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*Crl.M.P.No.15917 of 2024
in Crl.A.No.1395 of 2024*

SUNDER MOHAN, J.

rgt

**Crl.M.P.No.15917 of 2024
in Crl.A.No.1395 of 2024**

27.11.2024