



Crl.M.P.No.16004 of 2024 in Crl.A.No.1401 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.16004 of 2024
in Crl.A.No.1401 of 2024

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... Petitioner

Vs.

The State of Tamil Nadu,
Represented by
The Inspector of Police,
Thiruvallur Police Station,
Vellore District.
(In Cr.No.113 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS r/w 389(1) of Code of Criminal Procedure, to suspend the sentence imposed upon the petitioner by the learned Sessions Judge, Vellore made in S.C.No.50 of 2020 by a judgment dated 05.04.2024 and release him on bail pending disposal of criminal appeal.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl. Side)



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in S.C.No.50 of 2020, dated 05.04.2024 by the learned Principal Sessions Judge, Vellore and to enlarge the petitioner on bail pending disposal of the appeal.

2.The case of the prosecution is that on 20.03.2019 at evening hours, when the petitioner and the deceased were consuming liquor, the petitioner picked up a quarrel with the deceased; that in spite of the witnesses trying to stop the petitioner, he got wild and held the neck of the deceased and dashed his head on the wall of the bus stop and caused his death.

3.The Trial Court found that the offence under Section 302 IPC was not made out and convicted the petitioner for offence under Section 304(ii) of IPC and sentenced to undergo four years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default of payment of fine to undergo Simple Imprisonment for three months *vide* judgment, dated 05.04.2024 made in S.C.No.50 of 2020.



4.Heard Mr.M.R.Thangavel, learned counsel for the petitioner and Dr.C.E.Pratap, learned Government Advocate (Crl. Side) appearing for the respondent/State.

5.The learned counsel for the petitioner would submit that the petitioner is in custody from 15.04.2024; that the petitioner is a differently abled person whose right leg was amputated; that the petitioner has raised substantial grounds in the appeal which requires consideration; and that there are several infirmities in the prosecution case, hence, he prayed for suspension of sentence.

6.Heard the learned Government Advocate (Crl. Side) appearing for the respondent Police.

7.Considering the fact that the petitioner is a differently abled person; the fact that the petitioner has raised substantial grounds in the appeal which requires consideration; and that the petitioner is in custody from 15.04.2024, this Court is inclined to grant the relief of suspension of sentence.



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8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) The petitioner 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, Katpadi;

(ii) 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

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the



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trial Court on any other day in lieu of the date of his absence, as directed by
the trial Court.

04.12.2024

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To

- 1.The Principal Sessions Judge,
Vellore.
- 2.The Judicial Magistrate,
Katpadi.
- 3.The Inspector of Police,
Thiruvallur Police Station,
Vellore District.
- 4.The Central Prison,
Vellore.
- 5.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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