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Crl.M.P.No.16158 of 2024  
in Crl.A.No.1428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.16158 of 2024  
in Crl.A.No.1428 of 2024

1.Nagaraj  
2.Prasanth

... Petitioners

Vs.

The State rep. by  
The Inspector of Police,  
Sipcot Police Station,  
Hosur Taluk,  
Krishnagiri District.  
(Crime No.617 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS,  
to suspend the sentence imposed on the petitioner by the learned Sessions  
Judge (Fast Track Court), Mahila Court, Krishnagiri in S.C.No.7 of 2021  
dated 14.08.2024 and enlarge the petitioners on bail pending disposal of  
above Criminal Appeal.



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For Petitioner : Mr.A.R.Nixon  
For Respondent : Dr.C.E.Pratap  
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in the judgment, dated 14.08.2024 in S.C.No.7 of 2021 passed by the learned Sessions Judge (Fast Track Court), Mahila Court, Krishnagiri.

2.It is the case of the prosecution that the petitioners along with others trespassed into the house of the defacto complainant and at knife point grabbed 8½ sovereigns of gold jewels.

3.The petitioners, who is arrayed as A5 and A7 in the above Sessions Case, were convicted and sentenced as follows:



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| <b><i>Rank of the Accused</i></b>          | <b><i>Offence under Section</i></b>         | <b><i>Conviction and Sentence</i></b>                                                                                                                                          |
|--------------------------------------------|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A5                                         | For offence under Section 450 IPC           | The first petitioner was sentenced to undergo Rigorous Imprisonment for ten years and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for six months.    |
| A5                                         | For offence under Section 395 IPC           | The first petitioner was sentenced to undergo Rigorous Imprisonment for ten years and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for six months.    |
| A5                                         | For offence under Section 399 r/w. 402 IPC. | The first petitioner was sentenced to undergo Rigorous Imprisonment for seven years and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for six months.  |
| A7                                         | For offence under Section 395 IPC           | The second petitioner was sentenced to undergo Rigorous Imprisonment for ten years and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for six months.   |
| A7                                         | For offence under Section 399 r/w. 402 IPC. | The second petitioner was sentenced to undergo Rigorous Imprisonment for seven years and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for six months. |
| Sentences were ordered to run concurrently |                                             |                                                                                                                                                                                |

4.The learned counsel appearing for the petitioners would submit that the petitioners were not identified by P.W.1; that the petitioners were not



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identified even during identification parade; that jewels alleged to have stolen were recovered from the other accused and that this Court had suspended the sentence imposed on A4, whose case is similar to that of the petitioner.

5.The learned Government Advocate (Crl. Side), on instructions, would submit that the petitioners and are similarly placed and this Court had already suspended the sentenced imposed on A4.

6.This Court while suspending the sentence imposed on A4 had made the following the observations:

*“7.Considering the submissions made by the learned counsel for the petitioner; that the petitioner was not identified by the victim in Court; that the petitioner has no previous antecedents and there are several other arguable points in the appeal and the fact that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner/A4”*



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7. There are no previous cases against the petitioners as well.

Therefore, the observations made by this Court would squarely apply to the petitioners as well. Hence, the sentence imposed on the petitioners is suspended till the disposal of the criminal appeal and they 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/- (Rupees ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Hosur;

(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;

(iii) The petitioners shall appear before the Trial Court on the first working day of every month at 10.30 a.m until further orders and if they are not able to appear before the trial Court on any day, they shall make



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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.

8.In the result, the criminal miscellaneous petitions are ordered.

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*cse*



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To

- 1.The Sessions Judge  
(Fast Track Court),  
Mahila Court, Krishnagiri
- 2.The Inspector of Police,  
Sipcot Police Station,  
Hosur Taluk,  
Krishnagiri District.
- 3.The Central Prison,  
Salem.
- 4.The Judicial Magistrate No.I,  
Hosur.
- 5.The Public Prosecutor,  
Madras High Court.



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SUNDER MOHAN, J.

*cse*

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