



Crl.M.P.No.17521 of 2024 in Crl.A.No.1539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17521 of 2024

in

Crl.A.No.1539 of 2024

1.Sanjai @ Sanjaikumar

2.Puttaraju @ Kooliburo,

3. V.S.Maruthi

...Petitioners/A2, A3 and A6

Vs.

State of Tamil Nadu,
Represented
The Inspector of Police,
SIPCOT Police Station,
Hosur Taluk,
Krishnagiri District.
(Cr.No.617/2020)

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the BNSS, to suspend the sentence imposed in S.C.No.7 of 2021, by the Sessions Judge, Fast Track Court, Krishnagiri and dated 14.08.2024 and enlarging the petitioners on bail pending disposal of the above appeal.

For Petitioners : Mr.R.Harikrishnan

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



ORDER

WEB COPY

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, Krishnagiri.

2. It is the case of the prosecution that the petitioners/A2, A3 and A6 along with others, trespassed into the house of the *de-facto* complainant and, at knife point, grabbed 8½ sovereigns of gold jewels.

3.The petitioners, who are arrayed as A2, A3 and A6 in the above Sessions Case, were convicted and sentenced as follows:

<i>Rank of the Accused</i>	<i>Offence under Section</i>	<i>Conviction and Sentence</i>
A2, A3 and A6	Section 450 IPC	Each of the petitioners 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



<i>Rank of the Accused</i>	<i>Offence under Section</i>	<i>Conviction and Sentence</i>
	Section 395 IPC	Each of the petitioners 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.
	Section 399 r/w. 402 IPC.	Each of the petitioners 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. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present petition.

5. Heard Mr.R.Harikrishnan, learned counsel for the petitioners and Dr.C.E.Pratap, learned Government Advocate (Crl.Side) appearing for the respondent/State.



WEB COPY

6. Mr.R.Harikrishnan, the learned counsel for the petitioners/A2, A3 and A6, would submit that though it is the version of P.W.1 that she knew the accused even before the occurrence, the accused were not named in the FIR; that in her earliest statement to the doctor, she had stated that four persons were involved in the offence; that however, the Final Report was filed against seven accused without any basis; and that this Court had suspended the sentence imposed on the co-accused by the orders dated 12.11.2024 and 25.11.2024 in Crl.M.P.Nos.13422 of 2024 and Crl.M.P.No.16158 of 2024 and prayed for grant of suspension of sentence to the petitioners.

7. Dr.C.E.Pratap, the learned Government Advocate (Crl.Side) for the respondent submitted that there are no previous cases against the petitioners/A2, A3 and A6.

8. Considering, the above submissions of the learned counsel for the petitioners; that the sentence imposed on the co-accused/A4, A5 and A7 was suspended by this Court in Crl.M.P.No.13422 in Crl.A.No.1212 of 2024 and Crl.M.P.No.16518 of 2024 in Crl.A.No.1428 of 2024; and



that 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 petitioners.

9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentences imposed on the petitioners are suspended till the disposal of the above criminal appeal and the petitioners are ordered to be released on bail on the following conditions:

- (i) Each of the petitioners 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 No.II, 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; and
- (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



Crl.M.P.No.17521 of 2024 in Crl.A.No.1539 of 2024

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.

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

19.12.2024

dk

Issue order copy by 21.12.2024
Upload the order copy forthwith.

To

- 1.The Sessions Judge,
Fast Track Court, Krishnagiri.
- 2.The Judicial Magistrate No.II,
Hosur.
3. The Inspector of Police,
SIPCOT Police Station,
Hosur Taluk,
4. The Superintendent of Prisons,
Central Prison, Salem.
- 5.The Public Prosecutor,



Madras High Court.

WEB COPY



Crl.M.P.No.17521 of 2024 in Crl.A.No.1539 of 2024



WEB COPY



Crl.M.P.No.17521 of 2024 in Crl.A.No.1539 of 2024

SUNDER MOHAN, J.

dk

Crl.M.P.No.17521 of 2024
in Crl.A.No.1539 of 2024

19.12.2024