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CRL MP. 16736 of 2024 in
CRL A NO.1487 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17-12-2024**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO. 16736 of 2024

IN CRL.A.NO.1487 OF 2024

Hari @ Harikrishnan
S/.Srinivasan,
No.11, Karumariamman Nagar, 6th Street,
Korukkupet, Chennai - 600 021.

Appellant(s)

Vs

The State Rep By Its,
The Inspector Of Police, (law And Order)
H-6, R.K.Nagar Police Station,
Chennai - 600 021 Cr.No.3736 Of 2020.

Respondent(s)

For Appellant(s) : Mr.G.Vinodhkumar
For Respondent : DR.C.E.PRATAP,
GOVT. ADVOCATE (CRL.SIDE)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in judgment dated 25.04.2024 in S.C.No.194 of 2022 on the file of the learned V Additional Sessions Judge, Chennai, pending disposal of the above Criminal Appeal.

2. The case of the prosecution is that, on 14.12.2020 at about 20.30 hrs., there was a wordy quarrel between the petitioner and other accused on



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the one hand and the witnesses, as a result of which the petitioner is said to have wrongfully restrained the victim and assaulted him with an iron blade on his head and other accused kicked the victim on the stomach.

3. The petitioner/A.1 in S.C.No.194 of 2022 was convicted by the Trial Court and sentenced to undergo one month simple imprisonment and to pay a fine of Rs.1000/- for the offence u/s 294(b) and in default to undergo one month simple imprisonment; for the offence u/s 307 IPC, sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for six months; for offence u/s 506(ii) IPC, sentenced to undergo one year rigorous imprisonment and to pay fine of Rs.1000/-, in default to undergo two months simple imprisonment. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1487 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that there are several arguable points in the above appeal which requires consideration; that the petitioner is in custody from 25.04.2024. The learned counsel further submitted that this Court had granted suspension of sentence for A.2



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& A.3 by order dated 09.07.2024 in Crl.MP No.9734 of 2024 and hence

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prayed for suspension of sentence to the petitioner.

5. Heard the learned Govt. Advocate (crl.side) and perused the counter affidavit.

6. Considering the fact that the petitioner has raised substantial grounds in the above appeal which requires consideration; that the sentence imposed on A.2 & A.3 have been suspended by this Court vide order dated 09.07.2024 in Crl.MP No.9734 of 2024 in Crl.A.No.868 of 2024; that the petitioner is in custody from 13.05.2024 and 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.

7. 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/-, with two sureties, each for a like sum to the satisfaction of the learned V Additional Sessions Judge, Chennai ;



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

17.12.2024

rgf

Issue order copy by 17.12.2024
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To

- 1.The V Additional Sessions Judge,
Chennai.
- 2.The Inspector Of Police, (Law and Order)
Chennai - 600 021.
- 3.The Superintendent
Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

rgt

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