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Crl.M.P.No.425 of 2024  
and Crl.A.No.490 of 2021

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**M.S.RAMESH, J.**  
**and**  
**SUNDER MOHAN, J.**

[Order of the Court was made by M.S.RAMESH, J.]

In the present Criminal Miscellaneous Petition, Accused No.2 before the trial Court seeks for suspension of sentence.

2. By an order dated 09.10.2023 when suspension of sentence was sought for A3, A4 and A5 in Crl.MP.Nos.1415 & 3829 of 2023, a co-ordinate Bench of this Court had declined to entertain the prayer and directed to list the Criminal Appeal for final disposal. In this background, this Criminal Miscellaneous Petition was listed before us.

3. Learned Additional Public Prosecutor seeks time to file a counter in the present Miscellaneous Petition.

4. At this juncture, the learned counsel for the petitioner/Accused No.2 submitted that his daughter aged about 1 year and 9 months, is having some serious renal ailments, owing to which, his presence with her is imminently



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required. Hence, he seeks for suspension of sentence.

5. We are of the view that, in view of the earlier order passed by this Court posting the main appeal for final disposal, it would not be appropriate to consider the prayer sought for, at the present. However, Rule 6 of the Tamil Nadu Suspension of Sentence Rules, entitles the prisoner to seek for an Emergency Leave for attending serious ailments to his daughter.

6. We have taken into consideration the medical reports submitted before us by the petitioner/Accused No.2, which reveals that his daughter is suffering from certain medical ailments for which treatment have been prescribed. In this background, we are also of the view that the petitioner's presence with his daughter may be imminent.

7. In the light of the above position, we deem it fit to grant liberty to the petitioner to approach the Prison authorities seeking for Emergency Leave.

8. Accordingly, the petitioner/Accused No.2 is granted liberty to make an application/representation to the Superintendent of Prisons, Coimbatore, seeking for grant of Emergency Leave and on receipt of such



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application/representation, the Superintendent of Prisons, Coimbatore, shall consider it positively on the same day of the receipt of the application/representation. While passing such orders, the Superintendent of Police, shall be at liberty to impose any reasonable conditions.

9. Post the main appeal along with the instant Criminal Miscellaneous Petition, for final disposal on 07.02.2024.

[M.S.R., J] [S.M., J]  
12.01.2024

**Note to office:**

**Issue order copy by 12.01.2024**

**Upload the order forthwith**

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