



Crl.M.P.No.101 of 2024 in Crl.A.No.29 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

Crl.M.P.No.101 of 2024

in

Crl.A.No.29 of 2024

Hari

...
Vs.

Petitioner

State rep.by Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Thirupathur District,
(Crime No.22 of 2018)

...

Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code, to suspend the sentence imposed in judgment dated 07.11.2023 in S.C.No.3 of 2022, on the file of the learned III Additional Sessions Judge, Thirupathur District and enlarge the petitioner on bail.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

This petition has been filed to suspend the sentence imposed upon the petitioner in S.C.No.3 of 2022, dated 07.11.2023, on the file of the III Additional Sessions Judge, Thirupathur District.

2.The petitioner, who was A1 in S.C.No.3 of 2022, was convicted and sentenced by the trial Court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	Under Sections 120B	Sentenced to undergo 7 years imprisonment.
	364(A)	Sentenced to undergo life imprisonment and to pay a compensation of Rs.10,000/- in default, to undergo rigorous imprisonment for one year.
	342	Sentenced to undergo imprisonment for one year
	392 r/w 397 IPC	Sentenced to undergo imprisonment for seven years

3.Aggrieved against the judgement of conviction and sentence imposed on the petitioner by the trial Court in S.C.No.3 of 2022, the petitioner has filed the present criminal appeal along with the instant



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miscellaneous petition seeking suspension of sentence and bail.

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4. The learned counsel for the petitioner submitted that the petitioner/A1 has not been identified. He further submitted that there are arguable points in this Criminal Appeal and the petitioner has every chance to succeed in this appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. Heard the learned Additional Public Prosecutor appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing on both sides and since the participation of petitioner/A1 has not been identified, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.



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(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner ***shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vaniyambadi, Thirupathur District.***

(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 to ensure their identity.

(iii) The petitioner shall appear before the Trial Court, as and when required.

[S.M.S., J.] [V.S.G., J.]

20.08.2024

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Index	:	Yes/No
Speaking Order	:	Yes/No
Neutral Citation	:	Yes/No



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To
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- 1.The III Additional Sessions Court,
Thirupathur District.
- 2.The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Thirupathur District,
(Crime No.22 of 2018)
- 3.The Superintendent,
Central Prison,
Vellore.



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AND
V.SIVAGNANAM, J.

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