



Crl.M.P(MD)No.14377 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P(MD)No.14377 of 2024
in
Crl.A(MD)No.1155 of 2024

Siva

... Petitioner/ A8

vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.973 of 2020)

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner in S.C.No.47 of 2021 dated 26.11.2024 on the file of the learned Additional District and Sessions Judge, (Fast Track), Kumbakonam, Thanjavur District and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner	: Mr.A.Thiyagarajan
For Respondent	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

ORDER

(Order of the Court was made by P.VELMURUGAN, J.)



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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Additional District and Sessions Judge, (Fast Track), Kumbakonam, Thanjavur District in S.C.No.47 of 2021 dated 26.11.2024 and enlarge the petitioner/ A8 on bail, till the disposal of the Criminal Appeal.

2. The conviction and sentence imposed against the petitioner / A8 is as follows:-

Under Section	Sentence
120(b) IPC	Rigorous imprisonment for two years and to pay a fine of Rs.500/- in default to undergo six months Rigorous Imprisonment.
148 IPC	Rigorous imprisonment for two years and to pay a fine of Rs.500/- in default to undergo six months Rigorous Imprisonment.
302 IPC	Life imprisonment and to pay a fine of Rs.1,000/- in default to undergo one year Rigorous Imprisonment.

3. The learned counsel for the petitioner/A8 would submit that there are arguable points in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Appeal and the sentence imposed against the petitioner/appellant, may be suspended and he may be enlarged on bail. He would



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further submit that the petitioner has already paid the fine amount before the trial Court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner / appellant guilty convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner / appellant and the learned Additional Public Prosecutor appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and finding that there are arguable grounds taken by the appellant in the memorandum of grounds of appeal and without receiving the records, the appeal cannot be decided and till such time, the appellant may be given the benefit of suspension of sentence on certain conditions, we are inclined to suspend the sentence of the petitioner/A8. Accordingly, till the disposal of the Criminal Appeal, the sentence of the petitioner/A8 is suspended on the following conditions :-

(i) The petitioner / A8 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 Additional District and Sessions Judge, (Fast Track), Kumbakonam,



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Thanjavur District;

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(ii) The petitioner / A8 shall appear before the concerned trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders;

7. The Criminal Miscellaneous Petition is ordered accordingly.

sd/-
27/12/2024

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/ 12 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

BALA

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(FAST TRACK), KUMBAKONAM,
THANJAVUR DISTRICT

2 THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL MP(MD) No.14377 of 2024
IN
CRL A(MD) No.1155 of 2024
Date :27/12/2024

PSP/ /SAR /27.12.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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