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Crl.M.P.No.855 of 2025
in Crl.A.No.79 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

Crl.M.P.No.855 of 2025
in Crl.A.No.79 of 2025

R.Dharmadurai

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
G1-Town West Police Station,
Ooty, Pin Code – 643 001.
(Crime No.286/2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, seeking to suspend the sentence imposed in judgment in S.C.No.65 of 2017 dated 27.01.2021 passed by the learned Sessions Judge of Nilgiris at Udthagamandalam and enlarge the petitioner on bail pending disposal of the above Criminal Appeal before this Court.

For Petitioner : Mr.B.Shruthan

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



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ORDER

(Order of the Court was made by *N.SENTHILKUMAR, J.*)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/accused by the learned Sessions Judge of Nilgiris at Udthagamandalam on 27.01.2021 in S.C.No.65 of 2017 and enlarge him on bail.

2. The learned Sessions Judge of Nilgiris at Udthagamandalam in S.C.No.65 of 2017, has convicted the petitioner/accused under Section 302 of IPC and sentenced him to undergo life imprisonment and a fine of Rs.2,000/- in default to undergo 6 months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks for suspension of sentence and bail in the present miscellaneous petition.

4. Heard Mr.B.Shruthan, learned counsel appearing for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor, appearing for the respondent/Police.



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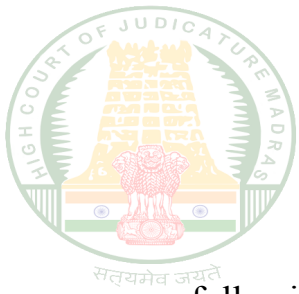
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5. The petitioner is the sole accused. According to the prosecution, at about 06.00 P.M., the accused and the deceased had a quarrel with regard to a petty issue i.e. payment of Rs.50/- by the Mastry namely Ramesh, who was not examined. However, before the Trial Court P.W.3 and P.W.4 were examined, who had explained the quarrel between the deceased and the accused in their evidence.

6. We find from the records that except the recovery, there was no other material to establish that the accused has committed the offence. Apart from the said fact, the petitioner is in incarceration for more than 5½ years.

7. Taking into consideration the above facts and circumstances, as well the fact that the appeal is not likely to be taken up in the near future, we are inclined to suspend the sentence of the petitioner/accused.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner/accused, is suspended on the



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following conditions:-

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(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Sessions Judge of Nilgiris at Udthagamandalam;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds 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.

(M.S.R, J.)

(N.S, J.)

12.03.2025

Index: Yes/No

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Note: Issue Order Copy on 13.03.2025



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To

- 1.The Sessions Judge of Nilgiris,
Udhagamandalam.
- 2.The Inspector of Police,
G1-Town West Police Station,
Ooty – 643 001.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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