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Crl.MP.No.269 of 2025 in Crl.A.No.43 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.01.2025

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Crl.MP.No.269 of 2025

in

Crl.A.No.43 of 2025

1. Kalaiselvi

2. Ilayaraja

.. Petitioners

Versus

State rep. by
Inspector of Police,
Kunnam Police Station,
Perambalur District.
Crime No.229/2018

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 430(1) r/w.483 of BNSS Act 2023 to suspend the sentence imposed by the learned Sessions Judge , Mahila Court, Perambalur District in S.C.No.53 of 2019 dated 16.12.2024 and enlarge the petitioners on bail pending disposal of the above criminal appeal.

For Petitioner : Mr. Swamisubramanian

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



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ORDER

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[Order of the Court is made by M.JOTHIRAMAN, J.]

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement dated 16.12.2024 in S.C.No.53 of 2019 by the Sessions Judge, Mahila Court, Perambalur and enlarge the petitioner on bail, pending disposal of the appeal.

2. The trial Court, by a judgment dated 16.12.2024, convicted the petitioners/A2 and A3 for the offence under Section 498(A) IPC and sentenced them to undergo Rigorous Imprisonment for three years and imposed a fine of Rs.50,000/-, each in default, to undergo Rigorous Imprisonment for 6 months.

3. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

4. The learned counsel for the petitioners submitted that there are arguable points in this Criminal Appeal. He further submitted that already, the petitioners paid the fine amount and the Trial Court suspended the sentence till 18.01.2025. Hence, prayed for suspension of sentence.



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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, this Court finds that there are arguable points involved in this appeal. Therefore, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

7. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions:

(i) The substantive sentence of imprisonment alone is suspended and the petitioners shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are ordered to be released on bail on ***executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each along with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Perambalur.***

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a



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copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity.

(iii) the petitioners 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 .

8. List the criminal appeal after three weeks.

[S.M.S., J.] [M.J.R., J.]
10.01.2025

mrp

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To

1. The Sessions Judge,
Mahila Court,
Perambalur.
2. Inspector of Police,
Kunnam Police Station,
Perambalur District.
3. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

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**S.M.SUBRAMANIAM, J.
and
M.JOTHIRAMAN, J.**

mrp

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in Crl.A.No.43 of 2025**

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10.01.2025