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Crl.M.P.No.1958 of 2024
in Crl.A.No.153 of 2024

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

The matter is listed today under the caption "for being mentioned".

2.In the cause title, the address of the respondent has been wrongly
typed and the same may be corrected as follows:

State,
Inspector of Police
Dharapuram Police Station
Tiruppur District
Crime No.359 of 2011 (of Moolanur Police Station)

3.Registry is directed to correct the address of the respondent as
typed above in the cause title and issue a fresh order copy.

(M.S.R, J.) (N.S, J.)
08.04.2025

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Note: Issue Order Copy on 09.04.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

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

Crl.M.P.No.1958 of 2024
in
Crl.A.No.153 of 2024

Ramalingam @ Ramayan

...Petitioner

Vs

State
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District
Crime No.359 of 2011 (of Moolanur Police Station)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence passed on 31.05.2019 in S.C.No.35 of 2014 by the Magalir Neethimandram (Fast Track Mahila Court), Tiruppur and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.S.Silambuselvan



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For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor

ORDER

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

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur on 31.05.2019 in S.C.No.35 of 2014 and enlarge him on bail.

2. The learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur in S.C.No.35 of 2014, has convicted the petitioner and sentenced as follows:-

<i>Offence</i>	<i>Sentence</i>
Section 498(A) IPC	3 years rigorous imprisonment and a fine of Rs.1,000/-, in default to undergo 6 months rigorous imprisonment
Section 302 IPC	Life imprisonment and a fine of Rs.5,000/-, in default to undergo 1 year rigorous imprisonment



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The sentences are ordered to run concurrently.

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.S.Silambuselvan, learned counsel for the petitioner and Mr.S.Rajakumar, learned Additional Public Prosecutor for the respondent.

5. Taking into consideration the fact that the petitioner/accused has been under incarceration from 31.05.2019 for about 5½ years, 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, in the light of the decision of the Hon'ble Supreme Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and Another*** reported in ***(2023) 1 SCC (Cri) 1***, wherein the Hon'ble Supreme Court had recorded that a prolonged appeal against an accused under custody or incarceration would be violative of Article 21 of the Constitution of India. So also, in



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the case of ***Vishnubhai Ganpatbhai Patel and Another Vs. State of Gujarat*** passed in ***Criminal Appeal No.3415 of 2023, dated 03.11.2023***, which dealt with suspension of sentence on the ground of prolonged incarceration.

6. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence imposed on the petitioner is suspended on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Dharapuram;
- (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;
- (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



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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 and

(iv) This order of suspension shall be subject to payment of fine imposed on the petitioner by the Trial Court in the judgment.

(M.S.R, J.) (N.S, J.)
11.03.2025

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

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To

- 1.The Judicial Magistrate No.1
Dharapuram.
- 2.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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11.03.2025