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petitioners on bail.

For Petitioner(s): Mr. N.R.Elango,
for
Mr.A.S.Aswin Prasanna

For Respondent(s): Mr. M.V.Ramachandra Murthy,
Public Prosecutor (puducherry)

Asst. by Mr.M.Thamizhmani

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment dated 22.12.2023, in S.C.No.11 of 2021, passed by the learned III Additional District and Sessions Judge, Puducherry, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. When the case was pending for committal, A1,namely, Sathya @ Sathiyathan, died and therefore, the case as against him was dismissed as abated by the Judicial Magistrate No.IV, Puducherry. Petitioner is A2. The



learned III Additional District and Sessions Judge, Puducherry,, in S.C.No.11

of 2021, had convicted and sentenced the petitioner/A2 as follows:

	Offence	Imprisonment	Fine
	342 IPC	Simple Imprisonment for six months	Rs.1,000/-, in default to undergo Simple Imprisonment for one month.
	302 IPC	Imprisonment for life	Rs.10,000/- in default to undergo Simple Imprisonment for six months.

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

4. The learned Senior Counsel appearing for the petitioner/appellant would submit that from the date of judgment of conviction and sentence, the petitioner is in custody. A1 in this case has already died. The only allegation against the petitioner/A2 is that he is alleged to have caught hold of the hands of



the deceased while A1 caused stab injuries. According to him, the allegation that the petitioner caught hold is only an implication without any substantive evidence.

5. It is further submitted that the copy of the Accident Register indicates that the deceased was taken to the hospital by a bystander and not by P.W.1, which would show that P.W.1 had no occasion to witness the incident. Further, if the caught-hold theory as spoken by P.W.1 was true, normally the petitioner/A2, who caught hold of the deceased, would also have sustained injuries as per the nature of the attack. However, no such injury is found on the petitioner. Thus, the evidence of P.W.1 is doubtful and the implication of the petitioner is not supported by medical or documentary evidence.

6. The learned Additional Public Prosecutor appearing on behalf of the respondent filed the counter affidavit and objected granting of suspension of sentence to the petitioner.



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7. We have heard the rival submissions and perused the entire materials available on record.

8. Accordingly, considering the submissions made on either side, we find that a *prima facie* case is made out and taking into account the fact that the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

9. 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/- (Rupees Twenty Five Thousand only), with two sureties for a like sum to the satisfaction of the learned III Additional District & Sessions Judge, Puducherry;

(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 and mobile numbers to ensure their identity;

(iii) The petitioner shall appear before the trial Court on every Monday at 10.30 a.m., until the disposal of the Criminal 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 of 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.

(iv) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)

27-11-2025

mrp

To

1.The III Additional District and Sessions Judge,
Puducherry.

2.The Superintendent,
Central Prison, Puducherry.



3.The Inspector of Police,
Thirubuvanai Police Station,
Puducherry

4.The Public Prosecutor,
High Court, Madras.



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CRL MP No. 979 of 2024



N.SATHISH KUMAR J.
AND
M.JOTHIRAMAN J.

mrp

CRL MP No. 979 of 2024
in
CrI.A.No.99 of 2024



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CRL MP No. 979 of 2024



27-11-2025