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Crl.M.P.No.2077 of 2025

Crl.A.No.1362 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

**Crl.M.P. No. 2077 of 2025 in
Crl.A.No.1362 of 2024**

1. MURUGADASS

S/o. Chandrasekar, 2/152,
Trichy Main Road, Nathamedu,
Pidagam, Villupuram -605 401.

2. SAKTHIVEL

S/o. Chandrasekar, 3/120,
Trichy Main Road, Nathamedu,
Pidagam, Villupuram - 605 401

3. SANKAR

S/o. Chandrasekar, Trichy Main Road,
Mathamedu, Pidagam,
Villupuram - 605 401.

4. RAGU

S/o. Chandrasekar, Trichy Main Road,
Nathamedu, Pidagam.
Villupuram -605 401.

5. ARUMUGAM

S/o. Pandurangan, 110,
Trichy Main Road, Nathamedu,
Pidagam, Villupuram - 605 401.

Petitioner(s)



Vs

1. State Rep By,
The Inspector Of Police,
Villupuram Taluk Police Station,
Villupuram. (crime No. 354 Of 2015)

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS to suspend the sentence of imprisonment imposed on the petitioner in SC.NO. 103 OF 2017 on the file of the Learned Additional District and Sessions Judge , Fast Track Court , Villupuram by its judgement dated 30.07.2024 and enlarge the petitioners on bail, pending disposal of the Crl.A.No.1362/2024.

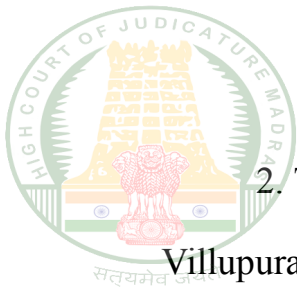
For Petitioner(s): Mr.N.R. Elango Groups
for Mr.A.S.Aswin Prasanna

For Respondent(s): Mr.A.Damodaran, Additional
Public Prosecutor For
Respondents

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed by the learned Additional District and Sessions Judge, Fast Track Court, Villupuram in S.C.No.103 of 2017, dated 30.07.2024 pending disposal of the Criminal Appeal before this Court and enlarge the petitioners on bail.



2. The learned Additional District and Sessions Judge , Fast Track Court ,

Villupuram has convicted the petitioners and sentenced them as follows:-

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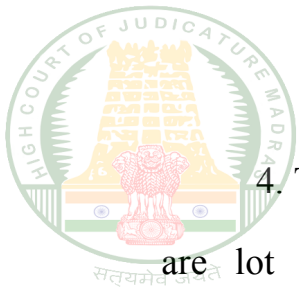
Sentence imposed on the first Petitioner:

<i>Offence</i>	<i>Sentence Imposed</i>
302 IPC	To undergo Life imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo SI for one year.
148 IPC	To undergo 2 years Rigorous Imprisonment
294(B) IPC	To undergo one month Simple Imprisonment
506(2) IPC	To undergo 3 Years Rigorous Imprisonment
The sentences are ordered to run concurrently	

Sentence imposed on the Petitioners 2 to 5:

<i>Offence</i>	<i>Sentence Imposed</i>
302 r/w 149 IPC	To undergo Life imprisonment each and to pay a fine of Rs.50,000/- each, in default, to undergo SI for one year.
147 IPC	To undergo one year Simple imprisonment each
341 IPC	To undergo one month Simple Imprisonment each
The sentences are ordered to run concurrently	

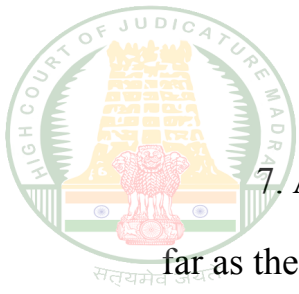
3. Challenging the above conviction and sentence, the petitioners have filed the above Criminal Appeal and they seeks suspension of sentence and bail in the present Miscellaneous Petition.



4. The learned counsel for the appellants / petitioners submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioners have a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellants / petitioners may be suspended. He further submitted that the appellants/ petitioners are ready to abide by any condition imposed by this Court.

5. Heard the learned counsel appearing for the appellants / petitioners, the learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on record.

6. Considering the submissions made by both counsels and upon perusal the documents, we are of the opinion that there is no serious overtact attributed to the petitioners 2, 3 and 4. Therefore, taking into account the fact that this 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, in so far as the petitioners 2, 3 and 4 are concerned,*** subject to certain conditions. As far as the petitioners 1 and 5 are concerned, we are not inclined to suspend the sentence, as there are serious overtact attributed to them.



7. Accordingly, this Criminal Miscellaneous Petition stands **allowed** in so far as the petitioners 2, 3 and 4 are concerned and the sentence imposed on them is suspended on the following conditions:-

(i) Each of them shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Fast Track Court, Villupuram.

(ii) The petitioners 2, 3 and 4 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 petitioners 2, 3 and 4 shall appear before the trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Criminal Appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.



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(iv) On the failure of any of the above conditions by the petitioners 2, 3 and 4 / accused, it is open to the trial Court to commit the petitioners 2, 3 and 4 / accused into custody for undergoing the sentence.

8. This petition is dismissed as against the petitioners 1 and 5 are concerned.

(J.NISHA BANU, J.) (S.SOUNTHAR, J.)

24-09-2025

MST

Note to Registry: Registry is directed to prepare typed set of papers containing depositions and exhibits and post the Criminal Appeal for final disposal after four weeks.

To

1. The Additional District and Sessions Judge,
Fast Track Court, Villupuram.
2. The Superintendent, Central Prison, Cuddalore.
3. The Public Prosecutor,
High Court of Madras, Chennai 600 104.



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