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Crl.M.P.No.3496 of 2025
in
Crl.A.No.215 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.3496 of 2025

in

Crl.A.No.215 of 2025

P.Veerapathiran
S/o.Ponnusamy

... Petitioner

Vs.

State by :
The Inspector of Police,
K-4, Anna Nagar Police Station,
Anna Nagar, Chennai.

... Respondent

Criminal Miscellaneous Petition filed under Section 430(1) and (2) of BNSS to suspend the execution of the sentence passed by the XV Additional Sessions Court, Chennai in S.C.No.258 of 2019 dated 31.01.2025 and release the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.S.Suresh

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor



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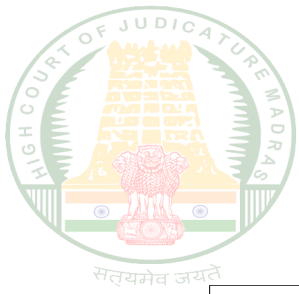
Crl.M.P.No.3496 of 2025
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Crl.A.No.215 of 2025

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner/accused by judgment dated 31.01.2025 passed in S.C.No.258 of 2019 on the file of the XV Additional Sessions Court, Chennai and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The case of the prosecution is that the petitioner, drove the van loaded with goods on 18.01.2023 in a drunken mood and also in a rash and negligent manner and caused an accident, injuring about 4 persons. One of the injured persons, died on 22.01.2013. Therefore, FIR was registered against the petitioner for the charged offences under Sections 279, 304(Part II) and 338 (2 counts) IPC and under Section 185 of Motor Vehicles Act.

3. The petitioner, who was the accused in S.C.No.258 of 2019 before the learned XV Additional Sessions Judge, Chennai, was convicted and sentenced as follows on 31.01.2025 :



Crl.M.P.No.3496 of 2025
in
Crl.A.No.215 of 2025

S.No.	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 304(Part II) IPC	Rigorous imprisonment for a period of five years and fine of Rs.2,000/-, in default to undergo one year simple imprisonment.
2	Section 279 IPC	Fine of Rs.1,000/-, in default to undergo one year simple imprisonment.
3	Section 338 IPC (2 counts)	Fine of Rs.1,000/- on 2 counts (Rs.2,000/-), in default to undergo simple imprisonment for one month for each count under Section 338(2 counts) of IPC
4	Section 185 of Motor Vehicles Act	Fine of Rs.10,000/-, in default to undergo simple imprisonment for one month.

The aforesaid sentences were ordered to run concurrently.

4. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.215 of 2025 along with the instant criminal miscellaneous petition seeking suspension of sentence and to release him on bail.

5. Heard both sides and perused the materials available on record.



Crl.M.P.No.3496 of 2025
in
Crl.A.No.215 of 2025

WEB COPY

6. Considering the facts and circumstances of the case and also considering the fact that there are arguable points involved in the appeal and according to the learned counsel for the petitioner, there are several infirmities in the prosecution case, this Court is of the considered view that it is a fit case to grant the relief of suspension of sentence to the petitioner herein.

7. Accordingly, the substantive sentence of imprisonment alone is suspended on the following conditions :

(i)The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the XV Additional Sessions Judge, Chennai ;

(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;



Crl.M.P.No.3496 of 2025
in
Crl.A.No.215 of 2025

WEB COPY

(iii)The petitioner shall appear before the Trial Court every

Monday at 10.30 a.m until further orders.

03.03.2025

Note: Issue Order copy on 03.03.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The XV Additional Sessions Judge,
Chennai.
2. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
K-4, Anna Nagar Police Station,
Anna Nagar, Chennai.



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Crl.M.P.No.3496 of 2025
in
Crl.A.No.215 of 2025

P.VELMURUGAN, J

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Crl.M.P.No.3496 of 2025
in
Crl.A.No.215 of 2025

03.03.2025
(2/2)