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Crl.M.P Nos.10334 & 10336 of 2025 in
Crl.R.C No.654 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.Nos.10334 and 10336 of 2025
in
Crl.R.C.No.654 of 2025

Prakash

...Petitioner in both
Petitions

Vs.

The State
Rep. by Inspector of Police (L & O)
D-6, Anna Square Police Station
Chennai
(Crime No.111/2019).

... Respondent in both
Petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 483 of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence in Crl.A.No.111 of 2022 on the file of the learned XV Additional Sessions Judge, Chennai, dated 07.01.2025, thereby confirming the sentence and judgment passed in C.C.No.6812 of 2019 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai, dated 27.05.2022, and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.



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In both petitions

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the learned XV Additional Sessions Judge, Chennai, in Cr..A.No.111 of 2022 dated 07.01.2025, by confirming the judgment and sentence passed in C.C.No.6812 of 2019 dated 27.05.2022, by the learned II Metropolitan Magistrate, Egmore, Chennai, and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.6812 of 2019 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai. He was found guilty of the offence under Section 304(A) of IPC and he has been convicted and sentenced to undergo Rigorous imprisonment for 1 year and to pay a fine of Rs.5000/- in default, to undergo simple imprisonment for



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one month. Aggrieved by the same, the petitioner had filed appeal in Crl.A.No.111 of 2022 and the learned XV Additional Sessions Judge, Chennai, by order dated 07.01.2025, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. Further it is his specific submission that the petitioner was enlarged on bail during the time of pendency of the appeal before the first appellate Court and the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing



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these petitions. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal revision is not likely to be taken 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. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence, and exempt the petitioner from surrendering before the trial court, and bail are granted on the following conditions:



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(a) The petitioner/accused is ordered to be released on bail, on his executing 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 II Metropolitan Magistrate, Egmore, Chennai.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition 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 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.



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7. With the above directions, these Criminal Miscellaneous

Petitions are ordered.

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05.06.2025
(1/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The XV Additional Sessions Judge, Chennai,
2. The II Metropolitan Magistrate, Egmore, Chennai.
3. The Inspector of Police (L & O)
D-6, Anna Square Police Station
Chennai
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.
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