



Crl.M.P.No.3226 of 2024
in Crl.A.No.1072 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

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

Crl.M.P.No.3226 of 2024
in Crl.A.No.1072 of 2023

Raghu @ Raghunathan

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
Crime No.261 of 2017

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence passed in S.C.No.376 of 2018 dated 16.08.2023 on the file of the learned II Additional District and Sessions Judge, Salem, pending disposal of the above Criminal Appeal and enlarge the petitioner on bail.

For Petitioner : Mr.C.Ramkumar

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



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ORDER

(Order of the Court was made by *N.SENTHILKUMAR, J.*)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/A2 by the learned II Additional District and Sessions Judge, Salem on 16.08.2023 in S.C.No.376 of 2018 and enlarge him on bail.

2. The learned II Additional District and Sessions Judge, Salem in S.C.No.376 of 2018, has convicted the petitioner and sentenced him as follows:-

	<i>Offence</i>	<i>Sentence</i>
A2	Section 302 IPC	Rigorous imprisonment of life and a fine of Rs.5,000/- i/d. 6 months SI.
	Section 120B r/w. 302 IPC	Rigorous imprisonment of life and a fine of Rs.2,000/- i/d. 3 months SI.
	Section 148 of IPC	3 years of rigorous imprisonment
	Section 294(b) of IPC	3 months of rigorous imprisonment



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The sentences were ordered to run concurrently.

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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.C.Ramkumar, learned counsel appearing for the petitioner and Mr.S.Rajakumar, learned Additional Public Prosecutor, appearing for the respondent/Police.

5. It is the case of the prosecution that the accused and the deceased were closely related to each other and the petitioner/A2 is the brother-in-law of A1; that there was a dispute between the family members of the accused and the deceased, with regard to partitioning of their ancestral property and due to that enmity, on 30.06.2017 at 8.00 A.M., when the deceased was alone at his home, the accused quarrelled with the deceased and abused him in filthy language and thereafter attacked him with iron rod and wooden logs. The petitioner herein/A2 has caused injury on the



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right shoulder of the deceased with an iron rod.

6. We find from the records that the corresponding medical evidence would not show that the deceased had sustained vital injury on his right shoulder, as stated by P.W.1 in his evidence. Further, it is the submission of the learned counsel for the petitioner that the sentences of A4 & A5 were already suspended by this Court.

7. Taking into consideration the above facts, 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/A2.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner/A2, is suspended on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Salem;

(ii) The petitioner and the sureties shall affix their



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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; and

(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 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.

(M.S.R, J.)

(N.S, J.)

12.03.2025

Index: Yes/No

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Note: Issue Order Copy on 13.03.2025



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

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- To
- 1.The II Additional District and Sessions Judge,
Salem.
 - 2.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
 - 3.The Superintendent,
Central Prison, Salem.
 - 4.The Public Prosecutor,
High Court, Madras.

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