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CRL MP No. 5912 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRL MP No. 5912 of 2025

in

Crl.A. No.1522 of 2023

Ealiya

S/o.Ramamaiya,

No.206, Kamaraj Nagar, 9th Street,

Korukkupet, Chennai-600 021.

Petitioner(s)

Vs

The State Rep By,

The Inspector Of Police,

B-2, Esplanade Police Station,

Chennai.

Respondent(s)

PRAYER

This Criminal Miscellaneous Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner by the learned I-Additional Sessions Judge, Chennai in S.C.No.276/2021 on 03.10.2023 and



enlarge him on bail, pending disposal of the appeal.

For Petitioner(s): Mr. F.Wellington

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

Assisted by
Ms.M.Arifa Thasneem

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment dated 03.10.2023, in S.C.No.276 of 2021, passed by the learned I Additional Sessions Judge, Chennai, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Petitioner is A3. The learned I Additional Sessions Judge, Chennai, in S.C.No.276 of 2021, had convicted and sentenced the petitioner/A3 as



follows:

	Offence	Imprisonment	Fine
	341 r/w.34 IPC	Simple Imprisonment for one month	Rs.500/-, in default to undergo Simple Imprisonment for one week.
	302 r/w.34 IPC	Rigorous Imprisonment for life	Rs.2,000/- in default to undergo Simple Imprisonment for one year.

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 Counsel appearing for the petitioner/A3 would submit that the occurrence was due to a sudden fight as a result of a wordy quarrel. The deceased died five days after the occurrence. There are inconsistencies in the



evidence of the eye-witnesses. Furthermore, there is a delay in filing the FIR so as to improve the case of the prosecution.

5. 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.

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

7. Accordingly, considering the submissions made on either side, we find that there are arguable points in the appeal and 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.



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8. 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 XV Metropolitan Magistrate, George Town, Chennai;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the satisfaction 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.



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(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)
28-11-2025

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To
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1. The I Additional Sessions Judge,
City Civil Court, Chennai.

2. XX Metropolitan Magistrate,
George Town, Chennai.

3. The Inspector Of Police,
B-2, Esplanade Police Station,
Chennai.

4. The Superintendent,
Central Prison, Puzhal, Chennai.

5. The Public Prosecutor,
High Court, Madras.



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