

Crl.M.P.No.4863 of 2024
in Crl.A.No.316 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

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in Crl.A.No.316 of 2024

Selvakumar @ Petrol Selvam,
Male / aged about 23 years,
S/o.Moorthy, Seetharaman Street, Arcot,
Ranipet District.

.. Petitioner / Appellant /
Single Accused

Vs.

State. Rep. By,
The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
(Crime No.168/2022)

.. Respondent / complainant

Prayer: Petition filed under Section 389(1) read with 439 of Cr.P.C.,
praying to suspend the sentence imposed against the petitioner in
S.C.No.223 of 2022 on the file of the learned II Additional District and
Sessions Judge, Vellore District @ Ranipet, Vellore District, dated
15.12.2023 and enlarge the petitioner on bail pending disposal of the said
Crl.A.No.316 of 2024 on the file of this Court.



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For Petitioner : Mr.R.Kannadasan
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
Assisted by
Ms.M.Arifa Thasneem

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned II Additional District and Sessions Judge, Vellore District @ Ranipet, Vellore District, on 15.12.2023 in S.C.No.223 of 2022 and enlarge him on bail.

2.The petitioner, who is the sole accused in S.C.No.223 of 2022, has been convicted for the offence under Section 302 of IPC and sentenced to undergo life imprisonment and a fine of Rs.10,000/-, in default, six months simple imprisonment, by the learned II Additional District and Sessions Judge, Vellore District @ Ranipet, Vellore District, vide judgment dated 15.12.2023.



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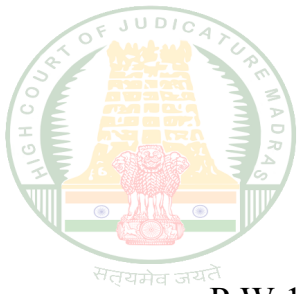
3.Challenging the above conviction and sentence, the petitioner / sole accused has filed the above Criminal Appeal and he seeks for suspension of sentence and bail in the present miscellaneous petition.

4.The learned counsel for the petitioner / sole accused submitted that the petitioner / sole accused has a good case and fair chance of succeeding in the appeal and therefore, prays for suspension of sentence.

5.Per contra, the learned Additional Public Prosecutor appearing for the respondent/Police submitted that the prosecution has established the case beyond reasonable doubts and the petitioner has not made out any case for suspension of sentence.

6.We have perused the records and given our careful consideration to the submissions of the respective counsel.

7.This is a case which is based on circumstantial evidence. According to the learned counsel for the petitioner, the prosecution had placed reliance on P.W.11 and the CCTV footage from the house of



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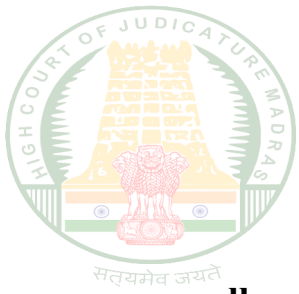
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P.W.11, which only shows that the accused had attempted to steal the pump. However, the CCTV footage does not cover the occurrence.

8.We find from the evidences that the prosecution had placed reliance on the extra judicial confession and recovery of the weapon and thereby put forth their case before the Trial Court. The extra judicial confession by itself will not be substantive piece of evidence to record the guilt of the accused.

9.In the absence of any other evidences to corroborate the extra judicial confession, the guilt recorded by the Trial Court may warrant interference. However, this is only a *prima facie* view for the purpose of taking a decision in this application seeking for suspension of sentence. It is also seen that the appellant herein has been under incarceration from 27.04.2022 onwards and by taking into account the long period of imprisonment and being conscious of the fact that the appeal may not be taken up in the near future, we are inclined to suspend the sentence.

10.Accordingly, this Criminal Miscellaneous Petition stands



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allowed and the sentence imposed on the petitioner/sole accused, 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 District Munsif cum Judicial Magistrate, Arcot;
- (ii) The petitioner and the sureties shall affix their 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



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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)

(V.L.N., J)

10.07.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

NOTE : Issue order copy on .07.2025.

To

- 1.The learned II Additional District and Sessions Judge,
Vellore District @ Ranipet,
Vellore District.
- 2.The learned District Munsif cum Judicial Magistrate,
Arcot.
- 3.The Superintendent of Prison,
Central Prison,
Vellore, Vellore District.
- 4.State. Rep. By,
The Inspector of Police,
Arcot Town Police Station,
Ranipet District.



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5.The Public Prosecutor,
High Court,
Madras.

M.S.RAMESH, J.
and

V.LAKSHMINARAYANAN, J.

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