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Crl.M.P.No.6231 of 2024
in Crl.A.No.406 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

Crl.M.P.No.6231 of 2024
in Crl.A.No.406 of 2024

Prabu

... Petitioner/Sole accused

Vs.

State By
The Inspector Of Police,
Villianur Police Station,
Puducherry.
(crime No.262 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence of imprisonment imposed in the judgment dated 19.07.2023 made in S.C.No.69 of 2022 passed by the Principal Sessions Court, Puducherry and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.T.Sundaravadanam

For Respondent : Mr.Ramachandramoorthy
Additional Public Prosecutor,
Puducherry

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 in S.C.No.69 of 2022 dated 19.07.2023 on the file of the Principal Sessions Court, Puducherry pending disposal of the Criminal Appeal.

2. The petitioner is the sole accused in S.C.No.69 of 2022. The Principal Sessions Court, Puducherry vide judgment dated 19.07.2023 has convicted and sentenced him as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
Sole accused	Section 302 IPC	Life imprisonment and a fine of Rs.1,000/-, I/d Six months of simple imprisonment

3.Challenging the above conviction and sentence, the petitioner/sole



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accused has filed the above Criminal Appeal and he seeks for suspension of sentence and bail in the present miscellaneous petition.

4. Heard Mr.T.Sundaravadanam, learned counsel for the petitioner and Mr.Ramachandramoorthy, learned Additional Public Prosecutor, Puducherry appearing for the respondent/Police.

5. The two eyewitnesses put forth by the prosecution before the Trial Court to substantiate the case are P.W.7 and P.W.8. According to P.W.7, though he appears to have known the accused earlier, he did not support the prosecution case and was treated as a hostile witness. P.W.8 was introduced as a witness who received information about the occurrence from P.W.7. From the evidence of P.W.8, it is seen that she is a stranger to the accused and identified him in the Court after about two years. Admittedly, no test identification parade was conducted in this case. In such circumstances, it is highly unsafe to rely solely on P.W.8 to record the conviction. These aspects could be deliberated at the time of final hearing. However, considering that the petitioner is under imprisonment



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for almost two years and the appeal may not be taken up for final disposal in the near future, we are inclined to suspend the sentence of the petitioner/sole accused.

10. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner herein, is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, 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 Judicial Magistrate No.III, Puducherry;

(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



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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.)

(V.L.N, J.)

12.06.2025

Anu

Note: Issue order copy on 13.06.2025

To

- 1.The Principal Sessions Court, Puducherry
- 2.The Judicial Magistrate No.III, Puducherry
- 3.The Inspector Of Police,
Villianur Police Station,
Puducherry.
- 4.The Superintendent of Prison,
Central Jail, Puducherry
- 5.The Public Prosecutor,
High Court, Madras.



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and
V. LAKSHMINARAYANAN, J.

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