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Crl.M.P.No.4406 of 2024 in
Crl.A. No.291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM :

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

Crl.M.P.No.4406 of 2024
in Crl.A.No.291 of 2024

1.M.Sakthivel
2.S.Balu
3.M.Shanmugam

... Petitioners/Appellants/A1 to A3

Vs.

State Rep by
The Inspector of Police
Pudupettai Police Station
Cuddalore District
(Crime No.342 of 2016)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed by the learned I Additional District and Sessions Judge, Cuddalore (Fast Track Court) in S.C. No.34 of 2018 dated 13.02.2024 and enlarge the petitioner on bail pending the criminal appeal.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

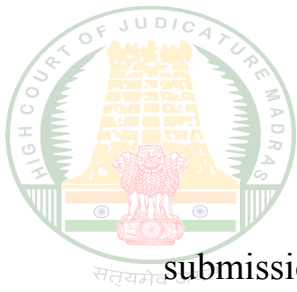
(Order made by M.S.RAMESH, J.)

Challenging the order of conviction and sentence imposed as against the petitioners/appellants/A1 to A3 vide judgment dated 13.02.2024 passed in S.C.No.34 of 2018 on the file of the learned I Additional District and Sessions Court, Fast Track Court at Cuddalore, the present criminal appeal and this petition for suspension of sentence have been filed.

2.Heard the learned counsel for the parties.

3. It is stated by the learned counsel appearing for the petitioners/appellants that the petitioners/accused are having been confined in prison for more than a year. In the present petition, they seek for suspension of sentence.

4. After arguing for a while, the learned counsel appearing for the petitioners/appellants, seeks the leave of the court to withdraw the petition for suspension of sentence as against the petitioners 1 and 2/Accused 1 and 2, for the present. He has also made an endorsement to that effect. Recording the



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submission and the endorsement made by the learned counsel appearing for the petitioners, this petition for suspension of sentence is dismissed as withdrawn as against Accused 1 and 2.

5. With regard to the third petitioner, the learned counsel for the petitioner placed reliance on Exts.D2 to D4 and submitted that though the accused had also sustained grievous injuries, the prosecution had failed to explain such injuries, which would be fatal to the own case itself.

6. We find some force and substance in the argument of the learned counsel appearing for the petitioners and also of *prima facie* view that the appellants may have fair chances of success in the appeal and that the appeal will not be listed in the near future, we are inclined to suspend the sentence alone as against the 3rd petitioner/Accused No.3.

7. Accordingly, this criminal miscellaneous petition stands **allowed** as against the **Accused No.3, namely M.Shanmugam s/o.Mannangatti** and the sentence of imprisonment is **suspended** on the following conditions:



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(i)The 3rd petitioner/Accused No.3 shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Panruti;

(ii)The 3rd petitioner/Accused No.3 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond 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 3rd petitioner/Accused No.3 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.

8. As against the petitioners 2 and 3/appellants 2 and 3/Accused Nos.2 and 3, this criminal miscellaneous petition is dismissed as withdrawn.



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9. Post the Criminal Appeal after two weeks.

[M.S.R., J] [N.S., J]

10.03.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Asr

To

1.The I Additional District and Sessions Court, Fast Track Court at
Cuddalore,

2.The Judicial Magistrate II, Panruti

3.The Inspector of Police
Pudupettai Police Station
Cuddalore District
(Crime No.342 of 2016)

4.The Superintendent of Prisons, Central Prison, Cuddalore

5.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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

Asr

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Dated : 10.03.2025