



Crl.M.P.No.9863 of 2024  
in Crl.A.No.882 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

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

Crl.M.P.No.9863 of 2024  
in  
Crl.A.No.882 of 2024

CHINNAMANI

...Petitioner

Vs

The State Rep By Its  
The Inspector Of Police,  
Vennandur Police Station,  
Namakkal District.  
Cr.No.374/2016.

...Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 374(2) of the Criminal Procedure Code, seeking to suspend the sentence imposed in S.C No.34/2017, dated 26.06.2023, on the file of the Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Namakkal, and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.S.Manoharan

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

**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 Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Namakkal on 26.06.2023 in S.C No.34/2017 and enlarge him on bail.

2. The learned Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Namakkal in S.C No.34/2017, has convicted the petitioner and sentenced as follows:-

| <i>Offence</i>  | <i>Sentence</i>                                                                                     |
|-----------------|-----------------------------------------------------------------------------------------------------|
| Section 302 IPC | Life imprisonment and a fine of Rs.2,0000/-, in default to undergo six months rigorous imprisonment |



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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.S.Manoharan, learned counsel for the petitioner and Mr.S.Rajakumar, learned Additional Public Prosecutor for the respondent.

5. Taking into consideration the fact that the petitioner/accused has been under incarceration from 03.12.2016 for about 8 years and 3 months, 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, in the light of the decision of the Hon'ble Supreme Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and Another*** reported in ***(2023) 1 SCC (Cri) 1***, wherein the Hon'ble Supreme Court had recorded that a prolonged appeal against an accused under custody or incarceration would be violative of Article 21 of the Constitution of India. So also, in the case of ***Vishnubhai Ganpatbhai Patel and Another Vs. State of Gujarat*** passed in ***Criminal Appeal No.3415 of 2023, dated 03.11.2023***,



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which dealt with suspension of sentence on the ground of prolonged incarceration.

6. 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/-, with two independent sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Namakkal;
- (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;
- (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



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Court on any other day, in lieu of the date of his absence, as directed by the Trial Court and

(iv) This order of suspension shall be subject to payment of fine imposed on the petitioner by the Trial Court in the judgment.

**(M.S.R, J.) (N.S, J.)**  
**02.04.2025**

*Anu*

*Note: Issue Order Copy on 03.04.2025*

To

1.The Judicial Magistrate No.1  
Dharapuram.

2.The Inspector Of Police,  
Vennandur Police Station,  
Namakkal District.

3.The Superintendent,  
Central Prison, Coimbatore.

4.The Public Prosecutor,  
High Court, Madras.



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

*Anu*

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