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Crl.M.P.No.11449 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.11449 of 2025

in Crl.A.No.1218 of 2023

K.Kumar

... Petitioner/A2

-VS-

State Rep.by

The Inspector of Police,

Jolarpet Police Station,

Tirupattur, Vellore District,

Crime No.54/2020

... Respondent/Complainant

Prayer: Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence of conviction and imprisonment dated 11.09.2023 imposed by the learned III Additional District and Sessions Judge, Tirupattur, Tirupattur District in S.C.No.16/2021 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.A.Damodaran

Addl. Public Prosecutor

Assisted by M.Arifa Thasneem

Advocate



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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 11.09.2023, in S.C.No.16 of 2021, on the file of the III Additional District and Sessions Judge, Tirupattur District, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Learned III Additional District and Sessions Judge, Tirupattur District, in S.C.No. 16 of 2021, had convicted and sentenced the petitioner as follows:

Rank of the Accused	Offence	Imprisonment	Fine
A2	302 IPC	Imprisonment for life	Rs.10000/- in default to undergo simple imprisonment for one year.
A2	307 IPC	Imprisonment for life	

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.



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4. Learned counsel for the appellant / petitioner submitted that

PW1 is not an eye witness to the occurrence; that the evidence of the eye witness is totally contradictory; FIR has also been filed belatedly and reason for the same has also not been explained. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioner/A2 has a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He also submitted that the appellant / petitioner is in custody from the date of the judgment, for a period of more than three years and he is ready to abide by any condition imposed by this Court.

5. The respondent has filed the counter affidavit. The learned Additional Public Prosecutor, adverting to the counter affidavit, submitted that PW1 has clearly spoken about the overt act of the petitioner/appellant.

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



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7. Accordingly, considering the submissions made on either side 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.

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 learned Judicial Magistrate – II, Tirupattur;

(ii) The petitioner 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;

(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



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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.

(N.S.K.,J.) (M.J.R.,J.)
18.11.2025
(2/2)

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To

1. The Judicial Magistrate – II, Tirupattur.
2. The III Additional District and Sessions Judge,
Tirupattur District.
3. The Superintendent
Central Prison, Vellore.
4. The Inspector of Police,
Jolarpet Police Station,
Tirupattur, Vellore District,
Crime No.54/2020.
5. The Public Prosecutor,
High Court, Madras.



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