



Crl.M.P.Nos.7417 & 7486 of 2024
in Crl.A.No.501 & 500 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM:

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

Crl.M.P.Nos.7417 & 7486 of 2024
in Crl.A.Nos.501 & 500 of 2024

1.K.Durai

2.V.Mari

... Petitioners/A1 & A2 in
both Crl.M.Ps

Vs.

State represented by
The Inspector of Police,
Ponnur Police Station,
Thiruvannamalai
(Crime No.53 of 2012)

... Respondent
in both Crl.M.Ps

PRAYER in Crl.M.P.No.7417 of 2024: Criminal Miscellaneous Petition filed under Section 389(3) of the Criminal Procedure Code, seeking to suspend the sentence passed against the appellant in the above case in S.C.No.36 of 2021 dated 28.11.2023 by the Additional District Session Court, Arani, pending disposal of the above Criminal Appeal and release



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him on bail.

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PRAYER in Crl.M.P.No.7486 of 2024: Criminal Miscellaneous Petition filed under Section 389(3) of the Criminal Procedure Code, seeking to suspend the sentence passed against the appellant in the above case in S.C.No.36 of 2021 dated 28.11.2023 by the Additional District Session Court, Arani, pending disposal of the above Criminal Appeal and release him on bail.

In both Crl.M.Ps

For Petitioners : Mr.G.Ilamurugu

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneen

COMMON ORDER

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

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence passed against the appellants in the above case in S.C.No.36 of 2021 dated 28.11.2023 by the Additional District Session Court, Arani, pending disposal of the above Criminal Appeals and release them on bail.



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2. The petitioners are arrayed as A1 and A2 in S.C.No.36 of 2021, respectively. The learned Additional District Session Judge, Arani vide judgment dated 28.11.2023 has convicted and sentenced them as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
A1	Section 302 IPC	Life imprisonment and a fine of Rs.2,000/-,i/d. 2 years of S.I
A2	Section 302 r/w Section 34 IPC	Life imprisonment and a fine of Rs.2,000/-,i/d. 2 years of S.I

The sentences are ordered to run concurrently.

3. While the judgment of the trial Court is under challenge in the main Appeals, the petitioners seek for suspension of sentence in the present Miscellaneous Petitions.

4. We find some force in the contention of the learned counsel for the petitioner that the incident of assault had occurred due to sudden and grave provocation. On a perusal of the evidence of P.W.2, who is the son of the deceased and an eye witness to the occurrence, reveals that on the fatal day, the deceased and both the accused were conversing with each



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other in a friendly manner. At that time, a wordy quarrel ensued, which led to the assault. On a *prima facie* view, the judgement of the trial Court may warrant interference by way of modification of the offences, and there appears to be a possibility of imposition of a lesser sentence.

5. Taking into consideration that the petitioners herein have been under incarceration for almost two years, and since the appeals may not be taken up in the near future, we are inclined to suspend the sentences of the petitioners/A1 and A2.

6. Accordingly, this Criminal Miscellaneous Petitions stand **allowed**, and the sentences imposed on the petitioners herein, are suspended till the disposal of the appeals and they are ordered to be enlarged on bail, on the following conditions:-

(i) The petitioners shall execute a separate bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Additional District Sessions Judge, Arani;



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(ii) The petitioners 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 petitioners shall appear before the Trial Court on the first working day of every month at 10.30 A.M., until the disposal of the appeals and if they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

(M.S.R, J.)

(V.L.N, J.)

31.07.2025

Anu

Note: Issue order copy on 01.08.2025



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

Anu

To

1.The Additional District Sessions Judge, Arani

3.The Inspector of Police,
Ponnur Police Station,
Thiruvannamalai

4.The Superintendent of Prison,
Central Prison, Vellore

5.The Public Prosecutor,
High Court, Madras.

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