

Crl.M.P.No.5789 of 2025
in
Crl.A.No.300 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.5789 of 2025
in
Crl.A.No.300 of 2025

1. Manivanan @ Senthil
S/o.Loganathan
2. Vinoth
S/o.Krishnareddy

... Petitioners

Vs.

State Represented by
Inspector of Police,
R4, Soundarapandian Angadi Police Station,
Chennai – 600 017.

... Respondent

Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023 and Section 389(1) of Cr.P.C., to suspend the sentence imposed in S.C.No.526 of 2023 dated 14.03.2025 on the file of XIX Additional Judge, City Civil Court, Chennai -1, and enlarge the petitioners/appellants on bail.

For Petitioners : Ms.S.Uma Nachiar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioners/A3 and A4 by judgment dated 14.03.2025 passed in S.C.No.526 of 2023 by the learned XIX Additional Judge, City Civil Court, Chennai -1, and to enlarge the petitioners on bail pending disposal of the above appeal.

2. The case of the prosecution is that on 01.05.2023 at 01.00 p.m., while one Manmohan Singh was vending fruits in the pushcart of the *de-facto* complainant, the accused persons had eaten the fruits and refused to pay the amount for the same. When the same was questioned by the said Manmohan Singh, the accused persons have abused the said Manmohan Singh in filthy language and A1 assaulted him with knife and robbed Rs.1,000/- and the accused persons caused damages to the nearby shops and also thrown soda bottles on the road endangering the safety of the public and also criminally intimidated the said Manmohan Singh, who is the witness to the said occurrence. Hence, a case in Crime No.77 of 2023 was registered against A1 to A4 and subsequently, the respondent-Police

filed a charge sheet in S.C.No.526 of 2023 before the learned XIX Additional Judge, City Civil Court, Chennai. During trial, charges were framed against A1 for the offences under Sections 294(b), 397, 427, 336, 307 and 506(ii) IPC and A2 to A4 for the offences under Sections 294(b), 397 read with 34, 427, 336, 307 read with 34 and 506(ii) IPC.

3. The petitioners herein/A3 and A4 in S.C.No.526 of 2023 before the learned XIX Additional Judge, City Civil Court, Chennai, were found guilty for the offences punishable under Sections 336, 427 and 506(ii) IPC and each of the accused (A3 and A4) were convicted and sentenced as follows on 14.03.2025 :

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 336 IPC	Simple imprisonment for a period of three months.
2	Section 427 IPC	Simple imprisonment for a period of one year
3	Section 506(Part-II) IPC	Simple imprisonment for four years.

The aforesaid sentences were ordered to be run concurrently. Further, the petitioners/A3 and A4 were acquitted from the offences under Sections

307, 397 and 294(b) IPC by the trial Court.

4. Challenging the above conviction and sentence, the petitioners have filed the appeal in Crl.A.No.300 of 2025 along with the instant criminal miscellaneous petition seeking suspension of sentence and to enlarge them on bail.

5. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they were not involved in the alleged commission of offences. The petitioners have a fair chance to succeed in the appeal and if the petitioners are granted bail pending appeal, no prejudice would be caused to the respondent. He further submitted that the petitioners are ready and willing to abide by the stringent conditions if any, may be imposed on them. Therefore, he prays to grant suspension of sentence to the petitioners.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case and also considering the fact that there are arguable points involved in the appeal and according to the learned counsel for the petitioners, there are several infirmities in the prosecution case, this Court is of the considered view

that it is a fit case to grant the relief of suspension of sentence to the petitioners herein.

8. Accordingly, the substantive sentence of imprisonment alone is suspended on the following conditions :

(i) Each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the learned XIX Additional Judge, City Civil Court, Chennai;

(ii)The petitioners 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 petitioners shall appear before the Trial Court once in a month i.e., Monday at 10.30 a.m., pending disposal of the above appeal.

24.03.2025

Note: Issue Order copy on 24.03.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The XIX Additional Judge,
City Civil Court, Chennai -1.
2. The Superintendent of Prison,
Central Prison, Puzhal-I, Chennai.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
R4, Soundarapandian Angadi Police Station,
Chennai – 600 017.

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P.VELMURUGAN, J

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Crl.M.P.No.5789 of 2025
in
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24.03.2025
(2/2)