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Crl.MP.No.6200 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.6200 of 2025

in

Crl.A.No.319 of 2025

Jagadeswaran @ Jagadesan @ Vanu

...Petitioner

Vs.

State Represented by
Inspector of Police,
P-3, Vysarbadi Police Station,
Chennai 600 039
crime No.736 of 2020

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence of for the offence under Section 307, r/w 34 of IPC and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for six months and convicted for the offence under Section 506(ii) r/w 34 of IPC and sentenced to undergo three years simple imprisonment to appellant imposed by the learned XVI Additional Sessions Court at Chennai by judgment dated 26.02.2025 in SC.No.207 of 2023 and enlarge the petitioner on bail till the disposal of this appeal.



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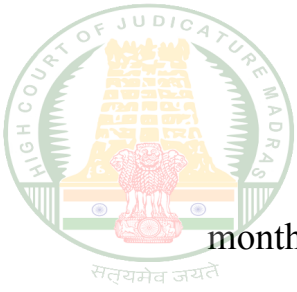
For Petitioner : Mr.J.P.Ravivarman

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence for the offence under Section 307, r/w 34 of IPC and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for six months and convicted for the offence under Section 506(ii) r/w 34 of IPC and sentenced to undergo three years simple imprisonment to appellant imposed by the learned XVI Additional Sessions Court at Chennai by judgment dated 26.02.2025 in SC.No.207 of 2023 and to enlarge the petitioner on bail till the disposal of the aforementioned appeal.

2. The petitioner herein is an accused in SC.No.207 of 2023 on the file of the learned XVI Additional Sessions Court at Chennai. He was found guilty and convicted for the offences under Section 307 r/w 34 of IPC, for which he was sentenced to undergo 10 years rigorous imprisonment with fine of Rs.5,000/-, in default to undergo simple imprisonment for six



months. He was also convicted for the offences under Section 506(ii) r/w 34

of IPC and sentenced to undergo three years simple imprisonment.

Aggrieved by the aforementioned conviction, the petitioner has filed criminal appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/A2 would submit that there are arguable points available in the Criminal Appeal and the petitioner/A2 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/A2 may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.



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6. On perusal of records, this Court finds no reasons to suspend the sentence. Further, the Trial Court has gone through the evidence in its entirety and convicted the petitioner. Moreover, it is the submission of the learned Additional Public Prosecutor that the petitioner is a history sheeter. Therefore, this Court is not inclined to entertain this petition.

7. Accordingly, this miscellaneous petition is dismissed.

27.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok



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To

- 1.The learned XVI Additional Sessions Court at Chennai
- 2.Inspector of Police,
P-3, Vysarbadi Police Station,
Chennai 600 039
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.
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