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CRL MP No. 6565 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02-04-2025**

CORAM

**THE HONOURABLE MR JUSTICE P. VELMURUGAN**

**CRL MP No. 6565 of 2025**

**IN**

**CRL A NO. 337 OF 2025**

1. VENKATESAN

2. SRINIVASAN

Appellant(s)

Vs

The State Rep By,  
The Inspector Of Police,  
R-4, Soundarapandian Angadi Police  
Station,  
Chennai-600 017. Cr.No.77/2023.

Respondent(s)

PRAYER: This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, to suspend the sentence imposed against the petitioners on 14.03.2025 passed in S.C.No.526 of 2023 on the file of the XIX Additional City Civil Court, Chennai and to release the petitioners on bail till the disposal of the Criminal Appeal.

For Appellant(s): Mr.P.Pugalenth

For Respondent(s): Mrs.G.V.Kasthuri  
AdditionalPublic Prosecutor

**ORDER**

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This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed against the petitioners/A1 and A2 by the judgment dated 14.03.2025 passed in S.C.No.526 of 2023 by the learned XIX Additional Judge, City Civil Court, Chennai and to release the petitioners on bail till the disposal of the above Criminal 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(Part 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(Part II) of IPC.

3. The petitioners herein are the accused/A1 and A2 in S.C.No.526 of 2023 on the file of the XIX Additional City Civil Court, Chennai. They were found guilty for the offence under Section 427 IPC and convicted and sentenced to under simple imprisonment for one year and they were convicted and sentenced to undergo simple imprisonment for three months for the offence under Section 336 IPC. They were found guilty for the offence under Section 506(Part-II) IPC and sentenced to undergo simple imprisonment for four years. The aforesaid sentences were ordered to be run concurrently. Further, the first petitioner/A1 was not found guilty for the offences under Sections 294(b), 307, 397 IPC and the second petitioner/A2 was not found guilty for the offences under Section 294(b), 307 read with 34, 397 read with 34 IPC and acquitted from the said charges.



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4. Challenging the above conviction and sentence, the petitioners have filed the appeal in Crl.A.No.337 of 2025 along with instant criminal miscellaneous petition seeking suspension of sentence and to enlarge them on bail.

5. The 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 records.

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:

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(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 their 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 once in a month ie., Monday at 10.30 a.m., pending disposal of the above appeal.

**02-04-2025**

(2/2)

Note: Issue order copy on 02.04.2025

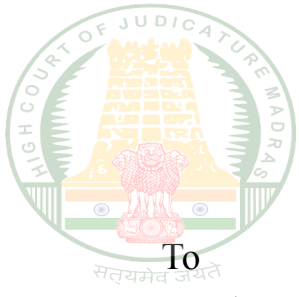
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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1. The XIX Additional Judge, City Civil Court, Chennai
2. The Superintendent, Central Prison1, Puzhal, Chennai.
3. The Inspector Of Police,  
R-4, Soundarapandian Angadi Police  
Station, Chennai-600 017.
4. The Public Prosecutor, High Court, Chennai.



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**P.VELMURUGAN J**

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