



Crl.M.P.No.7942 of 2024
in Crl.A.No.698 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

Crl.M.P.No.7942 of 2024
in Crl.A.No.698 of 2024

Vasanthakumar

... Petitioner

Vs.

State By: The Inspector of Police
E-2, Rayapettah Police Station
Chennai - 14
(Cr. No.96 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, praying to suspend the sentence imposed on the petitioner dated 21.07.2023 in S.C.No.361 of 2021, on the file of the Sessions Court for Magalir Neethimandram, Allikulam and release the petitioner on bail till the disposal of the Criminal Appeal.

For Petitioner : Ms.S.Nadhiya

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

ORDER



Crl.M.P.No.7942 of 2024
in Crl.A.No.698 of 2024

WEB COPY

M.S.RAMESH, J.
AND
N.SENTHILKUMAR, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner dated 21.07.2023 in S.C.No.361 of 2021, on the file of the Sessions Court for Magalir Neethimandram, Allikulam and release the petitioner on bail till the disposal of the Criminal Appeal.

2. The learned Sessions Judge (Magalir Neethi Mandram) Allikulam, Chennai, has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence imposed</i>
U/s.455 IPC	5 years R.I. along with a fine of Rs.1,000/- in default to undergo S.I. for 2 months.
U/s.302 IPC	Life imprisonment along with a fine of Rs.5,000/- in default to undergo S.I. for 3 months.
U/s.380 IPC	7 years R.I. along with a fine of Rs.1,000/- in default to undergo S.I. for 2 months.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and



Crl.M.P.No.7942 of 2024
in Crl.A.No.698 of 2024

WEB COPY bail in the present miscellaneous petition.

4. Heard Ms.S.Nadhiya, learned counsel appearing for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor, appearing for the respondent Police.

5. Sole accused in the case was convicted for the offences U/s.455, 302 and 380 I.P.C,. The learned counsel appearing for the appellant contended that it is a case of circumstantial evidence and the only available evidence is P.W.3 and P.W.9 who have seen the accused roaming near the place of occurrence which had taken place in the midnight. The other incriminating circumstance is recovery of M.O.7 and M.O.8 the blood stained dress worn by the accused and they corroborates from the serology report. The complaint is given by P.W.1, who is the sister in law of the deceased. Apart from these materials, the recovery of Rs.700/- which has been alleged to have been taken by the accused.

6.Learned Additional Public Prosecutor would oppose the suspension of sentence on the ground that the accused has committed offence under



Crl.M.P.No.7942 of 2024
in Crl.A.No.698 of 2024

WEB COPY

302r/w 380 I.P.C and it is a murder for gain. The accused had committed murder for gain, he had taken a nose ring of the deceased and a sum of Rs.700/-.

7. According to the prosecution, only cash of Rs.700/- was recovered from the accused and there is no say about the nose ring. In view of the same, and also considering the fact that the accused is in jail from the date of his conviction, we are inclined to suspend the sentence imposed on the accused.

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 each, each for a like sum to the satisfaction of the learned Sessions Judge (Magalir Neethimandram), Allikulam.
- (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



WEB COPY



Crl.M.P.No.7942 of 2024
in Crl.A.No.698 of 2024

to ensure their identity;

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m., until the disposal of the 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 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed 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.

(M.S.R, J.)

(N.S, J.)

03.03.2025

kas

Note: Issue Order Copy on 06.03.2025



WEB COPY



Crl.M.P.No.7942 of 2024
in Crl.A.No.698 of 2024

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

kas

To

1.The Sessions Judge
Magalir Neethimandram
Allikulam
Chennai

2.The Superintendent
Central Prison - 1
Puzhal
Chennai

3.The Inspector of Police
E-2, Rayapettah Police Station
Chennai - 14
(Cr. No.96 of 2021)

4.The Public Prosecutor
High Court of Madras
Chennai 600 104

Crl.M.P.No.7942 of 2024
in Crl.A.No.698 of 2024

04.03.2025