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*Crl.M.P.No.7340 of 2024
in Crl.A.No.496 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

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

Crl.M.P.No.7340 of 2024
in Crl.A.No.496 of 2024

Soundararajan
S/o.Gopal

... Petitioner/
Accused No.2

Vs.

The State represented by
The Inspector of Police
Edapadi Circle,
Thevoor Police Station.
(Crime No.67 of 2015)

... Respondent

PRAYER: The Criminal Miscellaneous Petition is filed under Section 389 (1) of Cr.P.C. praying to suspend the judgment of conviction and sentence dated 19.03.2024 in S.C.No.166 of 2016 on the file of the II Additional District and Sessions Judge, Salem, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.A.M.Esakkiappan

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

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ORDER

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

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed in judgment dated 19.03.2024 made in S.C.No.166 of 2016 on the file of the II Additional District and Sessions Judge, Salem, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The learned II Additional District and Sessions Judge at Salem, in S.C.No.166 of 2016, has convicted the petitioner under U/s.148, 449, 324, 302 IPC and 3(1) of TNPDL Act and sentenced him as follows:-



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<i>Offence</i>	<i>Sentence Imposed</i>
U/s.148 IPC	To undergo Rigorous Imprisonment of three years
U/s.449 IPC	To undergo Rigorous Imprisonment of 10 years and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment of three months
U/s.324 IPC	To undergo Rigorous Imprisonment of three years
U/s.302 IPC	To undergo Rigorous Imprisonment of life and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment of six months
U/s.3(1) of TNPPDL Act	To undergo Rigorous Imprisonment of three years and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment of three months
all the sentences are ordered to run concurrently	

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present Miscellaneous Petition.



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

5. As per the evidence of P.W.1, the overt act attributed by the prosecution against the petitioner herein is that he had assaulted the deceased on the head with wooden log as well as hollow block. As per the medical evidence, the cause of death of the deceased is owing to the head injury. Since the overt act attributed to Accused No.2 is directly linked to the cause of death, we are not inclined to consider the present petition.

6. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

(M.S.R, J.) (N.S, J.)
02.04.2025

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To

1. The II Additional District and Sessions Judge, Salem.
2. The Inspector of Police
Edapadi Circle, Thevoor Police Station.
4. The Superintendent, Central Prison, Salem.
5. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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