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*CrI.M.P.No.9851 of 2025
in CrI.A.No.446 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2025

CORAM:

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

CrI.M.P.No.9851 of 2025

in

CrI.A.No.446 of 2025

1. Prabu
2. Ganesh
3. Abi @ Gunasekara Abishakkumar
4. Govinda @ Mohanraj

...Petitioners

Vs.

State By
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai.
Cr.No.747 of 2020

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 482(1) read with 470(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence passed against the petitioner by the Hon'ble V Additional Sessions Judge at Chennai in Sessions Case No.132/2022 dated 19.02.2025 pending disposal of the above Criminal Appeal and enlarge the petitioner on bail.



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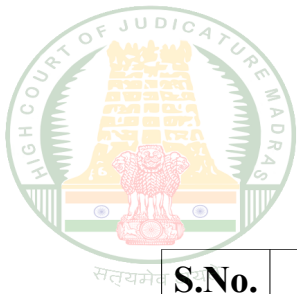
For Petitioners : Mr.M.Jaikumar
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned V Additional Sessions Judge at Chennai in Sessions Case No.132 of 2022 dated 19.02.2025, and enlarge the petitioners on bail.

2. The petitioners herein are arrayed as A1, A2, A4 and A5 in Sessions Case No.132 of 2022 on the file of the learned V Additional Sessions Judge at Chennai. They were found guilty and they have been convicted and sentenced as under:-

S.No.	Conviction	Sentence
1.	A1 is found guilty under Sections 148, 341, 294(b), 307 and 506(ii) of IPC. A2 is found guilty Sections 148, 341, 307 and 506(ii) of IPC.	A1 to A5 are each sentenced to pay fine amount of Rs.100/-, each for the offence under Section 341 IPC, in default, to undergo one week simple imprisonment, to undergo six months simple imprisonment and fine amount of Rs.1000/-, each, in default to undergo two months simple imprisonment, in default, to undergo two months simple imprisonment for the offence under Section



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S.No.	Conviction	Sentence
	A4 and A5 are found guilty under Sections 148, 341 and 307 of IPC	148 of IPC and to undergo five years rigorous imprisonment and fine amount of Rs.10,000/- each, in default to undergo one year simple imprisonment for the offence under Section 307 IPC, A1 is sentenced to pay fine of Rs.1000/- for the offence under Section 294(b) of IPC, in default to undergo two weeks simple imprisonment, A1 and A2 each are sentenced to undergo six months rigorous imprisonment and fine of Rs.500/- each in total Rs.500x2=Rs.1000/- for the offence under Section 506(ii) of IPC, in default to undergo two months simple imprisonment.

Aggrieved by the same, the petitioners have filed this appeal along with the present miscellaneous petition.

3. The case of the prosecution is that the victim is a friend of Police. All the accused are residents of Ranganathapuram and they used to drink and also consume Ganja in the same locality. They also involved in dacoity and often quarrel with others. The victim, who is being an informer, informed to the jurisdictional Police. Therefore, so many cases were registered against the accused and as such, in order to do away the life of the victim, on 27.05.2020, when the



*Crl.M.P.No.9851 of 2025
in Crl.A.No.446 of 2025*

WEB COPY

victim was returning to his home, the appellants herein intimidated him and attacked with deadly weapons. Therefore, the victim sustained grievous injuries and immediately, he was taken to the hospital.

4. A perusal of the evidence revealed that there are specific overtact as against all the accused to convict them for the offences under Sections 148, 341, 294(b), 307 and 506(ii) of IPC. There is an eye witness to the occurrence. Therefore, the appellants herein failed to make out a prima facie case for granting suspension of sentence.

5. In view of the above, this Court is not inclined to suspend the sentence imposed by the V Additional Sessions Judge at Chennai in Sessions Case No.132 of 2022 dated 19.02.2025. Accordingly, this Criminal Miscellaneous Petition is dismissed.

02.06.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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*Crl.M.P.No.9851 of 2025
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To

1. The V Additional Sessions Judge at Chennai.
2. The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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Crl.A.No.446 of 2025

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(2/2)