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CRL.M.P.No.8153 of 2024
in CRL.A.No.717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

CRL.M.P.No.8153 of 2024
in CRL.A.No.717 of 2024

Kumar @ Vijay Ram Kumar

... Petitioner

Vs.

State rep. by
Inspector of Police,
Kitchipalayam Police Station,
Salem City.
(Cr.No.445 of 2015)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., seeking to suspend the sentence passed on him in S.C.No.257/2016 vide judgment dated 18.02.2022 by the learned Sessions Judge, Magalir Neethimandram (Mahila Court) Salem and enlarge the petitioner on bail, pending disposal of the criminal appeal, on the file of this Court.

For Petitioner

: Mr.A.Abdul Lathif



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For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

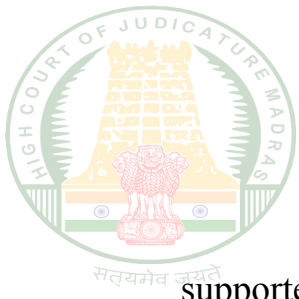
ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The judgment of the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Salem, passed in S.C.No.257 of 2016 dated 18.02.2022, convicting the petitioner herein, who is the sole accused, for the offence under Section 302 of IPC and sentencing him to undergo rigorous imprisonment for life along with a fine of Rs.5,000/-, in default to undergo additional 1 year rigorous imprisonment, is under challenge in the main appeal. In the present petition, the petitioner seeks for suspension of sentence.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondent.

3. Though the prosecution had let in several independent witnesses, as well as of the close relatives in support of the case, none of these witnesses



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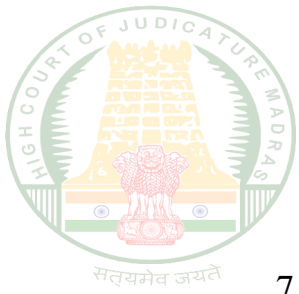
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supported that. The clinching evidence on which the prosecution placed reliance is Ex.P9, which is the statement made by the deceased while she was admitted in the Hospital.

4. The learned counsel for the petitioner submitted that P.W.9, who is the doctor who recorded the Accident Register, had clearly stated in his chief examination that when the deceased was brought by her relative named Sampath, she was unconscious. He further submitted that even in the cross-examination, there is no evidence to indicate that the deceased had thereafter recovered and given a statement to the Investigating Officer.

5. In the absence of any other witness to corroborate the statement given by the deceased, we are of the *prima facie* view that the appellant/petitioner herein may have a fair chance of success in the appeal.

6. By taking into consideration that the petitioner/accused is under incarceration from the year 2022 onwards and being conscious of the fact that the appeal may not be taken up in the near future, we are inclined to suspend the sentence.



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7. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner/accused, is suspended on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Salem;
- (ii) The petitioner and the 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 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.

[M.S.R, J.]

[V.L.N, J.]

09.07.2025

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Note: Issue Order Copy on 11.07.2025.



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- 1.The Sessions Judge,
Magalir Neethimandram (Mahila Court),
Salem.
- 2.The Judicial Magistrate,
Additional Mahila Court,
Salem.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Inspector of Police,
Kitchipalayam Police Station,
Salem City.
- 5.The Public Prosecutor,
High Court, Madras.



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