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Crl.M.P.No.7075 of 2025
in Crl.A.No.675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM:

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

Crl.M.P.No.7075 of 2025
in Crl.A.No.675 of 2024

A.Hanestraj

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.
(Crime No.07/2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code and 430(1) of BNSS, seeking to suspend the sentence imposed against the petitioner in S.C.No.83 of 2017 dated 20.05.2024 by the learned Sessions Judge, Fast Track Mahila Court at Tiruvannamalai and enlarge the petitioner on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.R.Nalliappan
and Mrs.N.Premalatha



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For Respondent : Mr.S.Raja Kumar,
Additional Pubic Prosecutor

ORDER

(Order of the Court was made by *N.SENTHILKUMAR, J.*)
The present miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Fast Track Mahila Court at Tiruvannamalai in S.C.No.83 of 2017 on 20.05.2024 and enlarge him on bail.

2. The petitioner herein has been arrayed as the third accused (A3) by the Trial Court. The learned Sessions Judge, Fast Track Mahila Court at Tiruvannamalai has convicted the petitioner/A3 and sentenced him as follows:-

	<i>Offence</i>	<i>Sentence imposed</i>
A3	Section 120B of IPC	Life imprisonment and a fine of Rs.1,000/- in default to undergo 3 months SI;
	Section 147 r/w. 149 of IPC	1 year SI and a fine of Rs.1,000/- in default to undergo 1 month SI;
	Section 148 of IPC	1 years SI and a fine of Rs.1,000/- in default to undergo 1 month SI;
	Section 302 r/w. 149 of IPC	Life imprisonment and a fine of Rs.1,000/- in default to undergo 3 months SI.



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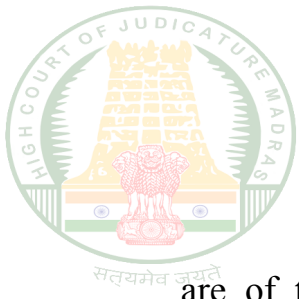
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3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and seeks for suspension of sentence and bail in the present miscellaneous petition.

4. Heard Mrs.N.Premalatha, learned counsel for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor appearing for the respondent/Police.

5. The learned counsel for the petitioner/A3 placed reliance on the copy of the Accident Register dated 05.01.2017, wherein it reflects that the victim was assaulted by one unknown person vis-a-vis, the complaint also reflects that the victim was assaulted by one unknown person and prays for suspension of sentence to the petitioner.

6. Though the case of the prosecution states that 6 persons are involved in committing the crime and the Trial Court has also convicted them, a copy of the Accident Register, as well as the complaint, reflects that only one unknown person has assaulted the victim. In this background, we



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are of the view that there may be a fair chance of the petitioner/A3 to succeed in the appeal. Further, considering the fact that the appeal is not likely to be taken up in the near future, we are inclined to grant relief of suspension of sentence to the petitioner/A3.

7. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner/A3, 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 Sessions Judge, Fast Track Mahila Court at Tiruvannamalai;
- (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



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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.) (N.S, J.)
21.04.2025

Index: Yes/No
Internet: Yes/No

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Note: Issue Order Copy on 22.04.2025



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

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To

1.The Sessions Judge,
Fast Track Mahila Court,
Tiruvannamalai.

2.The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.

3.The Superintendent,
Central Prison (Convict Block),
Vellore.

4.The Public Prosecutor,
High Court, Madras.

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