



Crl.M.P.No.10200 of 2025 in Crl.A.No.548 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.10200 of 2025
in Crl.A.No.548 of 2025

S.Ramamoorthi

... Petitioner

Vs

State Rep.by,
The Inspector of Police,
Valivalam Police Station,
Nagapattinam District.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 389 of the Criminal Procedure Code, to suspend the order of conviction passed by the learned Sessions Judge (Fast Track Mahila Court), Nagapattinam in SC No. 16/2017 dated 25.04.2022 and enlarge the appellant/accused on bail, pending disposal all the above Criminal Appeal.

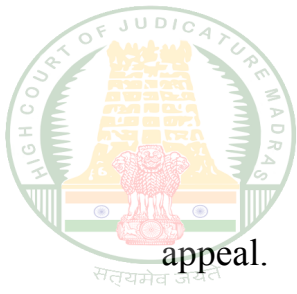
For Petitioner : Mr.B.Balavijayan

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 Sessions Judge (Fast Track Mahila Court), Nagapattinam in SC No.16 of 2017 dated 25.04.2022 and enlarge the petitioner on bail pending disposal of the above



appeal.

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2. The petitioner herein is the accused in SC No.16 of 2017 on the file of the learned Sessions Judge (Fast Track Mahila Court), Nagapattinam. He was found guilty for the offence under Section 304 Part I of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 304(I) of IPC	to undergo imprisonment for a period of ten years and to pay fine of Rs.100/-, in default to undergo simple imprisonment for one month.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for



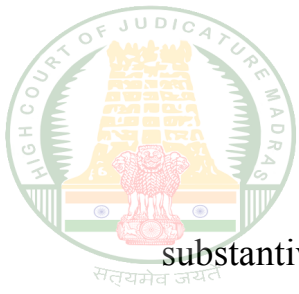
the respondent/State raised serious objection for allowing this petition. Further,

he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the



substantive sentence of imprisonment imposed by the learned trial Judge is

alone suspended and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Sessions Judge (Fast Track Mahila Court), Nagapattinam.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the every Monday at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on any day, they 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.



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With the above directions, this Criminal Miscellaneous
Petition is ordered.

03.06.2025
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Sessions Judge (Fast Track Mahila Court),
Nagapattinam.
2. The Inspector of Police,
Valivalam Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent of Prison,
Central Prison,
Cuddalore.

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