



*Crl.M.P.No.6601 of 2023
in Crl.A.No.539 of 2023*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Crl.M.P.No.6601 of 2023
in
Crl.A.No.539 of 2023

S.Babu

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Selaiyur Police Station.

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(2) of Cr.P.C., seeking to suspend the sentence made in S.C.No.38 of 2014 on the file of the learned Additional District Sessions Judge, Chengalpattu dated 29.03.2023 and enlarge the petitioner on bail.

For Petitioner : Mr.N.Arun Kumar

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



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ORDER

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

The petitioner herein, who was the sole accused before the Trial Court, has been convicted and sentenced as follows, through the judgment passed in S.C.No.38 of 2014 dated 29.03.2023:-

<i>Offence</i>	<i>Sentence imposed</i>
Section 302 IPC	Life imprisonment, together with a fine of Rs.5,000/-, in default to undergo one year rigorous imprisonment.
Section 307 IPC	Rigorous imprisonment for three years, together with a fine of Rs.3,000/-, in default to undergo six months rigorous imprisonment.
Section 506(i) IPC	Rigorous imprisonment for one year, together with a fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment.

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

3. It is the case of the petitioner that if at all the prosecution had substantiated their case, it would only attract the offence under Section 304



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IPC and not Section 302 IPC. According to the learned counsel for the petitioner, an altercation had happened between the petitioner and his father and deceased, who is his elder brother. In continuation of this altercation, the petitioner was enraged and out of grave and sudden provocation, he had stabbed the deceased, which caused an injury in the abdomen. According to the learned counsel, there was no pre-meditation and that the entire incident was due to grave and sudden provocation.

4. Taking into account that the occurrence had taken place immediately after the altercation between the petitioner and his father and deceased brother, the petitioner may have a possibility to have the offence altered into one of murder not amounting to culpable homicide. This aspect could be deliberated at the stage of final hearing. However, since the main appeal is not likely to be taken up in the near future, we are inclined to suspend the sentence.

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



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- (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 Additional District Sessions Judge, Chengalpattu.
- (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.]
26.06.2025

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Note: Issue Order Copy on 27.06.2025



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To

- 1.The Additional District Sessions Judge,
Chengalpattu.
- 2.The Superintendent of Prisons,
Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
Selaiyur Police Station.
- 4.The Public Prosecutor,
High Court of Madras.



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