



CRL.M.P.No.10266 of 2024
in CRL.A.No.923 of 2024

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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.10266 of 2024
in CRL.A.No.923 of 2024

Dhanasekar

... Petitioner

Vs.

1.The State rep by
The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District.
(Crime No.268 of 2019)

2.The State rep by
The Inspector of Police,
Valathy Police Station,
Villupuram District
(Crime No.268 of 2019)

3.Chitra

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., seeking to suspend the sentence imposed by the judgment dated 27.09.2023 in S.C.No.81 of 2019 on the file of the learned Sessions Judge,



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WEB COPY

Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.E.Somasundaram

For Respondents

1 & 2 : Mr.A.Damodaran,
Additional Public Prosecutor

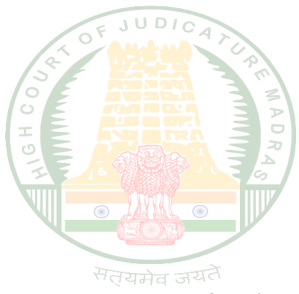
For Respondent 3 : Mrs.N.Premalatha,
Legal Aid Counsel

ORDER

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

The present miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Special Court for exclusive trial cases registered under SC/ST (POA) Act, Villupuram in S.C.No.81 of 2019 dated 27.09.2023 and enlarge him on bail.

2. The petitioner herein, who is a sole accused before the Trial Court, was convicted for the offence under Section 302 of IPC and was sentenced to undergo rigorous imprisonment for life and also to pay fine of Rs.500/- failing which the accused shall undergo rigorous imprisonment of



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in CRL.A.No.923 of 2024

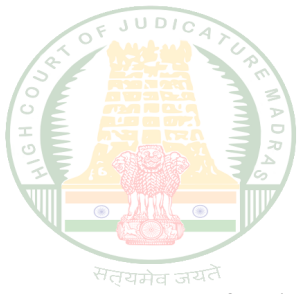
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further period of three years and for the offence under Section 3(2)(v) of SC/ST (POA) Amendment Act, he was convicted and sentenced to undergo rigorous imprisonment for life and also to pay fine of Rs.500/- failing which the accused shall undergo rigorous imprisonment of further period of three years.

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 Mr.E.Somasundaram, learned counsel for the petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the respondents 1 & 2 and Mrs.N.Pramalatha, legal aid counsel for the respondent 3.

5. Learned counsel for the petitioner submitted that though PW1 has been projected as an eye-witness to the occurrence, her statement, even if taken at its face value, would demonstrate it to be an occurrence, which arose out of wordy quarrel. He further submitted that there was no pre-meditation and the weapon used was only a stone which was lying in the scene of occurrence and at the most, the offence could be termed to be one



CRL.M.P.No.10266 of 2024
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WEB COPY

of culpable homicide not amounting to murder.

6. On a prima facie, we find force in such submissions. We have also taken note that the accused has been under incarceration for almost two years and since the appeal may not be taken up in the near future, we are inclined to suspend the sentence of the petitioner.

7. On an overall consideration, 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 Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram;

(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



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CRL.M.P.No.10266 of 2024
in CRL.A.No.923 of 2024

(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.]

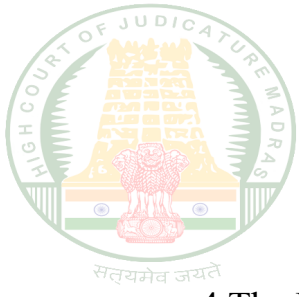
26.06.2025

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Note: Issue Order Copy on 27.06.2025.

To

- 1.The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District.
(Crime No.268 of 2019)
- 2.The Inspector of Police,
Valathy Police Station,
Villupuram District
- 3.The Sessions Judge,
Special Court for Exclusive Trial of Cases registered under SC/ST (POA)
Act,
Villupuram



CRL.M.P.No.10266 of 2024
in CRL.A.No.923 of 2024

4. The Public Prosecutor,
High Court, Madras.



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and
V. LAKSHMINARAYANAN, J.

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