



Crl.M.P.No.10730 of 2024
in Crl.A.No.974 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM:

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

Crl.M.P.No.10730 of 2024
in Crl.A.No.974 of 2024

Govindraj

... Petitioner

Vs.

State by: The Inspector of Police,
N-4, Fishing Harbur Police Station,
Chennai – 600 081.
Crime No.355/2018

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence imposed against the petitioner on 28.11.2022 in S.C.No.333 of 2019 on the file of the Sessions Court for Magalir Neethimandram, Chennai at Allikulam and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mrs.S.Nadhiya

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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ORDER

(Order of the Court was made by *N.SENTHILKUMAR, J.*)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Sessions Court for Magalir Neethimandram, Chennai at Allikulam on 28.11.2022 in S.C.No.333 of 2019 and enlarge him on bail.

2. The learned Sessions Court for Magalir Neethimandram, Chennai at Allikulam in S.C.No.333 of 2019, has convicted the petitioner and sentenced them as follows:-

	<i>Offence</i>	<i>Sentence</i>
<i>Accused</i>	Section 498(A) IPC	3 years RI and a fine of Rs.1,000/- i/d. 1 month SI
	Section 302 IPC	Life imprisonment and a fine of Rs.2,000/- i/d. 3 months SI.



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The sentences are ordered to run concurrently.

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

4. Heard Mrs.S.Nadhiya, learned counsel appearing for the petitioner and Mr.S.Rajakumar, learned Additional Public Prosecutor, appearing for the respondent/Police.

5. The case of the prosecution is that the deceased was hit by her husband with Manakattai (wooden plank) and that P.W.1 to P.W.3 are the eye-witnesses of the scene of occurrence.

6. It is seen from the medical evidence that out of the 12 injuries sustained by the deceased, 2 injuries were sustained in her head. Further, in the cross-examination of P.W.1 to P.W.3, it was found that there was no blood stain in the weapon.



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7. Taking into consideration the above facts and circumstances, as well the fact that the appeal is not likely to be taken up in the near future, we are inclined to suspend the sentence of the petitioner.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner, 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 Court, Magalir Neethimandram, Chennai at Allikulam;

(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



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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.

(iv) This order of suspension shall be subject to payment of fine imposed on the petitioner by the Trial Court in the judgment.

(M.S.R, J.)

(N.S, J.)

07.03.2025

Index: Yes/No

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Note: Issue Order Copy on 12.03.2025



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

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To

1.The Sessions Court for Mahalir Neethimandram,
Allikulam, Chennai.

2.The Inspector of Police,
N-4, Fishing Harbur Police Station,
Chennai – 600 081.

3.The Superintendent,
Central Prison-1, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

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