



Crl.M.P.No.10042 of 2024
in Crl.A.No.1517 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

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

Crl.M.P.No.10042 of 2024
in Crl.A.No.1517 of 2023

1.Raja
2.Raghu

... Petitioners

Vs.

State Represented by
The Inspector of Police
Karumalaikoodal Police Station
Crime No.217 of 2016
Mettur Taluk, Salem District

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, praying to suspend the sentence imposed by the Court of the Sessions Judge, Magalir Neethimandram (Mahila Court) Salem in S.C.No.60 of 2018 vide judgment dated 07.10.2023 and enlarge the petitioners on bail pending disposal of the Crl.A.No.1517 of 2023 on the file of this Court.

For Petitioners : Mr.R.John Sathyan
Senior Counsel

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor
ORDER



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

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed by the Court of the Sessions Judge, Magalir Neethimandram (Mahila Court) Salem in S.C.No.60 of 2018 vide judgment dated 07.10.2023 and enlarge the petitioners on bail pending disposal of the Crl.A.No.1517 of 2023 on the file of this Court.

2. The learned Sessions Judge, Mahila Court, Salem in S.C.No.60 of 2018, convicted and sentenced the petitioners herein as follows:-

<i>Offence</i>	<i>Sentence imposed</i>
U/s.120 (B) IPC (A1 & A2)	7 years R.I. along with a fine of Rs.1,000/- in default to undergo S.I. for 3 months.
U/s.342 IPC (A1 & A2)	6 months Simple Imprisonment
U/s.396 IPC (A1 & A2)	10 years R.I. along with a fine of Rs.5,000/- in default to undergo S.I. for 6 months.
U/s.302 IPC (A1 & A2)	R.I. for life and to pay a fine of Rs.5,000/- in default to undergo 6 months S.I.
U/s.450 IPC (A2)	10 years R.I. along with a fine of Rs.5,000/- in default to undergo S.I. for 6 months.

3. Challenging the above conviction and sentence, the petitioners have filed the above Criminal Appeal and they seek suspension of sentence



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4. Heard Mr.R.John Sathyan, learned Senior Counsel appearing for the petitioners and Mr.S.Raja Kumar, learned Additional Public Prosecutor, appearing for the respondent Police.

5. The case of the prosecution is that the deceased was a retired Government Officer and he had an Iridium Petromax Light in his house and several brokers approached him to buy it; that the deceased refused to sell the light; that the accused entered into a conspiracy and decided to take away the light and pursuant to the said conspiracy, on 15.08.2016, A1, A2 along with other accused trespassed into the house of the deceased and committed dacoity and murder, the accused made the defacto complainant / P.W.1 to sit on a sofa in the front room and caused the death of the deceased and took away the gold jewels and also the Iridium Petromax Light.

6.The petitioners herein are A1 and A2. This Court was pleased to consider the suspension of sentence for A7 vide its order in Crl.M.P.No.20300 of 2023 in Crl.A.No.1670 of 2023 dated 07.03.2024 and



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for A4 to A6 in Crl.M.P.No.3229 of 2024 in Crl.A.No.213 of 2024 dated 26.04.2024. The only objection raised by the prosecutor in the present appeal is that the Iridium Petromax Light which was the subject matter of this case was recovered from the petitioners herein viz. A1 and A2 and that was identified by the eye witnesses. As the entire case rests on the evidence of P.W.1. and this Court has also considered the suspension of sentence for A4 to A7, this petition filed by the petitioners for suspending of sentence was also allowed on the above terms.

7. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioners / A1 and A2 is suspended on the following conditions:-

- (i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), **separately** with two sureties each, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Mettur.
- (ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;



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(iii) The petitioners 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.

(iv) On the failure of any of the above conditions by the petitioners / accused, it is open to the trial Court to commit the petitioners / accused into custody for undergoing the sentence.

(M.S.R, J.)

(N.S, J.)

04.03.2025

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Note: Issue Order Copy on 06.03.2025



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

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To

1.The Sessions Judge
Magalir Neethimandram (Mahil Court)
Salem

2.Judicial Magistrate No.II
Mettur

3.The Superintendent
Central Prison
Salem

4.The Superintendent
Central Prison
Vellore

3.The Superintendent
Central Prison
Coimbatore

4.The Public Prosecutor
High Court of Madras
Chennai 600 104

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