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Crl.M.P No.13250 of 2025
in Crl.R.C.No.811 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.13250 of 2025
in
Crl.R.C.No. 811 of 2025

Rajamani

... Petitioner

Vs

The State, rep.by the Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
(Crime No.508 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence to undergo rigorous imprisonment for 10 years for offence under Section 304(ii) of IPC imposed on the petitioner in S.C.No.55 of 2020 by judgment date 19.12.2024 passed by the II Additional District and Sessions Judge, Tiruchengode, Namakkal District and enlarge to the petitioner on bail and pending disposal of the Criminal appeal.

For Petitioner : Mr.B.Vasudevan



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ORDER

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This Criminal Miscellaneous Petition has been preferred by the petitioner, seeking suspension of sentence imposed by the trial court on the file of the II Additional District and Sessions Judge, Tiruchengode in S.C.No.55 of 2020 for the offence punishable under Sec.304(ii) of IPC and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner here is the accused in S.C.No.55 of 2020 on the file of the II Additional District and Sessions Judge, Tiruchengode. He was found guilty of the offence under Section 304(ii) of IPC and he has been convicted and sentenced to undergo rigorous imprisonment for a period of ten years. Aggrieved by the same, the present Appeal has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is



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ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that this criminal revision 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. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail is granted on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(ii) The petitioner 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



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Bank pass Book and mobile numbers to ensure their identity;

(iii) The petitioner shall appear before the Trial Court on the first working day of every English Calendar 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 355 of BNSS, 2023 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;

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

07.07.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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G.K.ILANTHIRAIYAN, J.

Nhs

To

1. The II Additional District and Sessions Judge,
Tiruchengode, Namakkal District
2. The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.

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