



CRL.M.P.No.17581 of 2023
in CRL.A.No.15 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

CRL.M.P.No.17581 of 2023
in CRL.A.No.15 of 2022

Muthuvel

... Petitioner

Vs.

The State rep. by
Inspector of Police,
P-2, Otteri Police Station
Chennai – 600 012.
(Crime No.1040 of 2020)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., seeking to suspend the sentence passed by the learned IV Additional Sessions Judge, FAC, III Additional Court, City Civil Court, Chennai, Judgment dated 22.12.2021 in S.C.No.158 of 2018 and he may be enlarged on bail, till the disposal of the Appeal.

For Petitioner : Mr.Prakash Goklaney,
for Mr.K.Gopinath



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For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

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 IV Additional Sessions Judge, FAC III Additional Court, City Civil Court, Chennai in S.C.No.158 of 2018 dated 22.12.2021 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 341 of IPC and was sentenced to undergo one month simple imprisonment and for the offence under Section 302 of IPC, he was sentenced to undergo rigorous imprisonment for life and a fine of Rs.500/- in default to undergo 1 month simple imprisonment.

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.Prakash Goklaney, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for



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the respondent/Police.

5. According to the learned counsel for the petitioner, the entire incident had occurred due to a quarrel between the deceased and the accused. From the evidence filed before us, we find that the accused was doing the business of tender coconuts and the sickle (M.O.1) used by him was in the place of occurrence for the purpose of cutting coconuts. As per the evidence of PW1 and PW2, prosecution, and eye-witness, the deceased picked up a quarrel with the accused and as a result, the deceased had inflicted a cut injury. It is seen from the medical records that a single cut injury alone was caused, resulting in damage to the vital organs viz., lungs and heart.

6. In the light of these evidences, there could be a possibility that the occurrence could have been taken place due to sudden outrage and there is a possibility that the conviction and sentence imposed by the trial court may require modification.

7. On this prima facie view, we are inclined to consider the present



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application. We have also taken note that the trial court had passed the judgment on 22.12.2021 and since then, the appellant has been in incarceration. It is also claimed by the learned counsel for the petitioner that even during the course of trial, he was in imprisonment for three years.

8. On and 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 IV Additional Sessions Judge, FAC, III Additional Court, City Civil Court, Chennai;
- (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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(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.]

18.06.2025

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Note: Issue Order Copy on 19.06.2025.



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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To

1.The IV Additional Sessions Judge,
City Civil Court, Chennai,

2.The FAC III Additional Court,
City Civil Court, Chennai,

3.The Superintendent of Prison,
Central Prison, Puzhal.

4.The Inspector of Police,
P-2, Otteri Police Station.

5.The Public Prosecutor,
High Court, Madras.

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