



CRL.M.P.No.13775 of 2024
in CRL.A.No.1231 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

CRL.M.P.No.13775 of 2024
in CRL.A.No.1231 of 2024

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... Petitioner

Vs.

1.The State rep. by
The Deputy Superintendent of Police,
Dharapuram,
Tiruppur District.

2.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 430 of B.N.S.S., seeking to suspend the sentence in Spl.S.C.No.19 of 2022 dated 05.06.2023 on the file of the learned Principal Sessions Judge, Tiruppur, pending disposal of the above criminal appeal.

For Petitioner : Mr.T.Shunmugarajeswaran



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For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem,
Advocate

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 Principal Sessions Judge, Tiruppur, in Spl.S.C.No.19 of 2022 dated 05.06.2023.

2. The petitioner herein who has been arrayed as the sole accused before the Trial Court, was convicted for the offence under Section 302 IPC and was sentenced to undergo life imprisonment along with a fine of Rs.2,000/- in default to undergo 3 months rigorous imprisonment and for the offence under Section 201 r/w. 302 IPC, he was sentenced to undergo 3 years rigorous imprisonment and a fine of Rs.1,000/- in default to undergo 3 months rigorous imprisonment.



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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.T.Shunmugarajeswaran, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the respondents.

5. Among the circumstances put forth by the prosecution to establish their case before the Trial Court, the circumstance of the last seen witnesses namely P.W.11 and P.W.13, was not established since these witnesses did not support the case of the prosecution. Secondly, the CCTV footage which was marked as Ex.P40, was also relied upon by the Trial Court. However, the certificate (Ex.P41) under Section 65B of the Indian Evidence Act, was not issued by a responsible person, as required under Section 65B, but was given by a police constable.



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6. This apart, we also find that the Trial Court has placed reliance, predominantly on extra judicial confession statements and had recorded the guilt of the petitioner/accused. Apart from this, recovery of certain incriminating materials also was not in cognizance since the final report of the forensic science laboratory was not marked.

7. In view of the above *prima facie* findings, the judgment of the Trial Court may warrant interference. Further, it is claimed by the learned counsel for the petitioner/accused that the petitioner is in incarceration for more than two years.

8. By taking into consideration the above findings and that the petitioner is under incarceration for more than 2 years and that the appeal is also not likely to be taken up in the near future, we are inclined to grant suspension of sentence.

9. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner/accused, is suspended



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on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate, Dharapuram;
- (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 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.]

07.08.2025

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Note: Issue Order Copy on 08.08.2025.



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

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To

- 1.The Judicial Magistrate,
Dharapuram.
- 2.The Principal Sessions Judge,
Tiruppur.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Deputy Superintendent of Police,
Dharapuram, Tiruppur District.
- 5.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
- 6.The Public Prosecutor,
High Court, Madras.

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