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Crl.M.P.No.14889 of 2023
in Crl.A.No.1019 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM:

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

Crl.M.P.No.14889 of 2023
in Crl.A.No.1019 of 2023

Thirugnanam

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Kalambur Police Station
Kalambur
Thiruvannamalai District

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, praying to suspend the sentence passed by the Additional District Sessions Court, FTC, Arani, dated 27.07.2023, made in S.C.No.63 of 2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



Crl.M.P.No.14889 of 2023
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WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the sole accused, who has been found guilty and sentenced to life imprisonment, apart from other sentences, by the Additional District Sessions Court, FTC, Arani, dated 27.07.2023, in S.C.No.63 of 2021. In the present petition, he seeks for suspension of sentence.

2. Learned Additional Sessions Judge, Arani in S.C.No.63 of 2021, has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence imposed</i>
U/s.302 IPC	Life imprisonment along with a fine of Rs.2,000/- in default to undergo R.I. for two years.

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

4. Heard Mr.V.Rajamohan, learned counsel appearing for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor,



Crl.M.P.No.14889 of 2023
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appearing for the respondent Police.

5.The learned counsel for the petitioner placed reliance on the evidences of P.W.1 to P.W.3 who have been examined by the prosecution as eye witnesses and pointed out certain discrepancies in taking the deceased to the hospital immediately after the occurrence. We find there are some material contradictions in their evidences. This apart, the counter evaluated by the prosecution that the accused and one Sathish had spoken ill about the deceased relative Bhuvaneshwari. However, the said Sathish was not examined by the prosecution and therefore the motive also has not been established. The medical evidence also does not directly attribute to the mode of attack put forth by the prosecution. All these aspects would be deliberated at a later stage during the final disposal of the appeal. However, since the appellant herein has been in incarceration for more than one year, and in view of the prima facie case recorded above, we are inclined to suspend the sentence.

6. Accordingly, this Criminal Miscellaneous Petition stands **allowed**



Crl.M.P.No.14889 of 2023
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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, each for a like sum to the satisfaction of the Judicial Magistrate Court, Arani;
- (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 Bank pass Book and mobile numbers to ensure their identity;
- (iii) The petitioner shall reside in Villupuram and report before the Villupuram Town Police Station on the 1st and 15th day of every English Calendar month at 10.30 a.m.,
- (iv) The petitioner is also directed to 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



WEB COPY



Crl.M.P.No.14889 of 2023
in Crl.A.No.1019 of 2023

Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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

(M.S.R, J.)

(N.S, J.)

14.03.2025

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Note: Issue Order Copy on 18.03.2025

To

1.The Additional District Sessions Judge
(FTC), Arani

2.The Inspector of Police
Kalambur Police Station
Kalambur
Thiruvannamalai District

3.The Superintendent of Prison
Central Prison
Vellore

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



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Crl.M.P.No.14889 of 2023
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Crl.M.P.No.14889 of 2023
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