



Crl.M.P.No.17322 of 2024 in Crl.A.No.1526 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17322 of 2024
in Crl.A.No.1526 of 2024

S.Saravanan

... Petitioner/A1

Vs.

State of Rep. by its Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.

(Cr.No.533/2013)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (2) of Cr.P.C., to suspend the sentence imposed on the petitioner in S.C.No.35 of 2014, passed by the learned Sessions Judge, Fast Track Mahila Court, Nagapattinam, by an order dated 31.12.2021 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.G.Prabhu

For Respondent : Dr.C.E.Pratap

Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/A1 by judgment and



order dated 31.12.2021 passed in S.C.No.35 of 2014 on the file of the learned Sessions Judge, Fast Track Mahila Court, Nagapattinam and to enlarge the petitioner on bail pending disposal of the appeal.

2. The case of the prosecution is that the petitioner/A1 and A2 with an intention to demand Rs.5 Lakhs from the father of the victim kidnapped the victim; that the victim was taken by the petitioner by falsely stating that his grandfather met with an accident and that they were taking him to hospital; that thereafter, while the victim was taken in a car, after his eyes were closed, he jumped out of the car; and hence, the complaint.

3. The petitioner was convicted and sentenced by the trial Court as follows:

Offence under Section	Sentence imposed
364-A IPC	To undergo RI for five years and to pay a fine of Rs.1,000/-, in default to undergo SI for one month
506 (ii) IPC	To undergo RI for three years and to pay a fine of Rs.1,000/-, in default to undergo SI for one month.
325 IPC	To undergo RI for three years and to pay a fine of Rs.1,000/-, in default to undergo SI for one month.



The sentences were ordered to run concurrently.

WEB COPY

4. Heard Mr.G.Prabhu, learned counsel for the petitioner and Dr.C.E.Pratap, learned Government Advocate (Crl.Side) appearing for the respondent/State.

5. (i) The learned counsel appearing for the petitioner would submit that the petitioner is in custody from 31.12.2021 and has served more than half of the sentence and therefore, prayed for suspension of sentence.

6. Heard the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Admittedly, the petitioner is in custody from 31.12.2021 and has served more than 3 years out of the total period of sentence of five years.

8. Therefore, considering the long period of incarceration and since the appeal is not likely to be taken up in the near future, this Court



is inclined to grant the relief of suspension of sentence to the petitioner.

WEB COPY

9. Accordingly, this criminal miscellaneous petition stands **allowed**. The sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail 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 Sessions Judge, Fast Track Mahila Court, Nagapattinam;
- (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; 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.

09.01.2025



Crl.M.P.No.17322 of 2024 in Crl.A.No.1526 of 2024

ars

WEB COPY

Issue order copy by 10.01.2025.

Upload the order copy today.

To

1. The Sessions Judge,
Fast Track Mahila Court,
Nagapattinam.
2. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.
3. The Superintendent of Prisons,
Central Prison, Cuddalore.
4. The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.M.P.No.17322 of 2024 in Crl.A.No.1526 of 2024

SUNDER MOHAN, J.

ars

Crl.M.P.No.17322 of 2024
in Crl.A.No.1526 of 2024

09.01.2025