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CRL MP No. 17823 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17823 of 2025

AND

CRL A NO. 1153 OF 2025

K.Jayamukundhan
S/o Kandasamy, Residing at No.311,
Kottaikadu, Edaikazhinadu, Kottaikadu,
Kanchipuram - 603304.

Petitioner(s)

Vs

The State Represented by, The
Inspector of Police,
E-2 Royapettah Police Station,
Chennai. (Crime No. 511 of 2006)

Respondent(s)

CRL MP No. 17823 of 2025

PRAYER

To pass an order suspending the sentences imposed in S.C.No.115 of 2016 vide the judgement of conviction dated 11.07.2025 passed by the learned Honble Vi Additional Sessions Judge, At Chennai and to enalrge the Petitioner/ Appellant/1st Accused on bail pending disposal of the Crl.A.No.1153/2025.

**CRL A No. 1153 of 2025****PRAYER**

To call for the records in SC.No.115/2016 on the file of the Hon'ble VI Additional Sessions Judge, Chennai and to examine the same and to set aside the judgment of conviction and the sentences of imprisonment inflicted upon the Appellant /1st Accused and to set the Appellant /1st Accused at liberty.

For Petitioner(s): Mr.G.Prabhakaran for
M/s.G.Prabhakaran And Associates

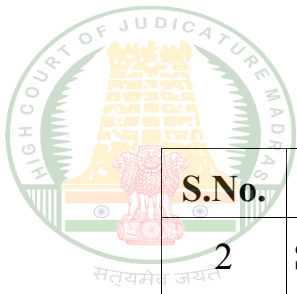
For Respondent(s): Mr.V.Meganathan,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking suspension of sentence imposed by the learned VI Addl. Sessions Judge, Chennai, in S.C.No.115 of 2016 dated 11.07.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.115 of 2016 on the file of the learned VI Addl. Sessions Judge, Chennai. He was found guilty of the offences under Section 341 and 307 of IPC/BNS and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 341 of I.P.C.	to undergo rigorous imprisonment for a period of one month and to pay fine of Rs.500/-, in default to undergo simple imprisonment for one week.



S.No.	Conviction	Sentence
2	Section 307 of IPC	to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three years.

Aggrieved by the same, the petitioner had filed this appeal and consequently, he filed the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he along with A2 attacked the defacto complainant with deadly weapons. He would further submit that he is an advocate by profession and the alleged occurrence took place in the year 2006. However, as on date, he was suffered with paralysis, for which he had undergone treatment and he is in judicial custody from 11.07.2025 for more than two months. He would further submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond



reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

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5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. On seeing the facts, it reveals that the alleged occurrence took place in the year 2006 and as on date, the petitioner was suffered with paralysis and he had undergone treatment in the hospital, to that effect, he submitted discharge summary issued by the hospital. On perusal of the same, it reveals that the he was diagnosed as follows :-

1. CVA-Infarct with right sided hemiplegia
2. Type II DM
3. Systemic Hypertension

Even the trial court also observed that the petitioner is suffered with paralysis and he is in judicial custody from 11.07.2025 for more than two months. Considering that and considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal appeal 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.

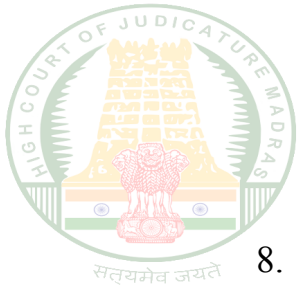


7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, **in which one surety must be a blood surety**, each for a like sum to the satisfaction of the learned VI Addl. Sessions Judge, Chennai.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) **The petitioner shall appear before the respondent police on every Sunday at 10.30 a.m. for the period of three months and he shall cooperate with the trial proceedings and also directed to 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 Criminal 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.



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ordered.

8. With the above directions, this Criminal Miscellaneous Petition is

9. Post the matter on 19.11.2025.

23-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. VI Addl. Sessions Judge, Chennai.

2. The Inspector of Police, E-2 Royapettah Police Station, Chennai.

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

4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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