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Crl.M.P.No.399 of 2024
in Crl.A.No.55 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

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

Crl.M.P.No.399 of 2024
in Crl.A.No.55 of 2024

D.Kumaresan

... Petitioner

Vs.

The Inspector of Police
Sriperumbudur Police Station
Sriperumbudur Taluk
Kancheepuram District
(Crime No.949 of 2014)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, praying to suspend the sentence imposed on the petitioner / Appellant in S.C.(K) No.47 of 2015, dated 07.11.2023 on the file of Sessions Judge, (Mahila Court), Chengalpattu in Crime No.949 of 2014 and enlarge the petitioner in bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.Saravanakumar

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor
ORDER



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M.S.RAMESH, J.

AND

N.SENTHILKUMAR, J.

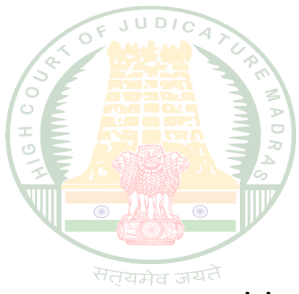
This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner / Appellant in S.C.(K) No.47 of 2015, dated 07.11.2023 on the file of Sessions Judge, (Mahila Court), Chengalpattu in Crime No.949 of 2014 and enlarge the petitioner in bail pending disposal of the Criminal Appeal.

2. The learned Sessions Judge (Mahila Court), Chengalpattu, 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.10,000/- in default to undergo S.I. for six months.

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.Saravanakumar, learned counsel appearing for the

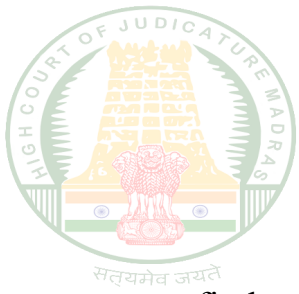


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petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor,
appearing for the respondent Police.

5. On a prima facie view, we find some force in the submissions of the learned counsel appearing for the appellant that the very first information to the police appears to be doubtful. According to the learned counsel, P.W.4 who is one of the signatories to the observation mahazar, has deposed that after he received information with regard to the occurrence at 6.00 p.m, he had gone there and thereafter had informed the investigating officer. According to his deposition, the investigating officer had come to the scene of occurrence and prepared the observation mahazar. However, in the evidence of the Investigating Officer / P.W.16, he would depose that P.W.1/ grand mother had come to the police station at 6.00 p.m. on 19.11.2014 and had given a complaint which was registered and thereafter at 6.45 p.m. he had gone to the scene of occurrence and prepared the observation mahazar in the presence of P.W.3 and P.W.4. This apart, P.W.16 would state that the F.I.R that was registered at 6.00 p.m. on 19.11.2014 was sent to the Court belatedly on 20.11.2014 at 12:30 p.m. We



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find no satisfactory explanation for the delay of almost 18 hours in dispatching the F.I.R to the jurisdictional Magistrate. On this prima facie view, we are inclined to suspend the sentence imposed on the petitioner / A1.

6. Accordingly, this Criminal Miscellaneous Petition stands **allowed** 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/- (Rupees Twenty Five Thousand only), with two sureties each, each for a like sum to the satisfaction of the learned Sessions Judge (Mahila Court), Chengalpattu.
- (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 appear before the trial Court on the first working day of every month at 10.30 a.m.,



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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.

(iv) 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.)

03.03.2025

kas

Note: Issue Order Copy on 06.03.2025

To

1.The Sessions Judge
Mahila Court
Chengalpattu



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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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2.The Inspector of Police
Sriperumbudur Police Station
Sriperumbudur Taluk
Kancheepura District
(Crime No.949 of 2014)

3.The Superintendent of Prison
Central Prison
Puzhal

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

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03.03.2025