



CRL MP Nos.17806 & 17819 of 2024 in
CRL A Nos.1577 & 1581 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-01-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP Nos.17806 & 17819 of 2024

in CRL A Nos.1577 & 1581 of 2024

SATHISH

S/o. Krishnan,

No.8/1, E Depot Street,

Dr.Natesan Salai, Triplicane,

Chennai - 600 005.

... Petitioner in Crl.MP No.17806/2024

KUMARAGURU

S/o.Venugopal,

No.17/5, Canal Street,

Kudisai Paguthi, Triplicane,

Chennai - 600 005.

... Petitioner in Crl.MP No.17819 of 2024

Vs

The State Rep By,

The Inspector Of Police

D-3, Ice House Police Station,

Chennai.

Cr.No.442/2021. .. Respondent in Crl.MP Nos.17806 & 17819 of 2024

In both Crl.MPs

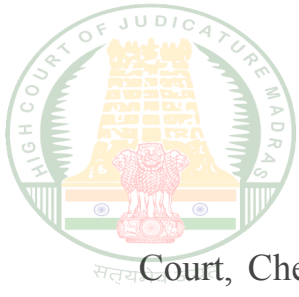
For Petitioners : Mr.S.Senthilkumar

For Respondent : Dr.C.E.Pratap

Govt Advocate (crl Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed to suspend the sentence of imprisonment imposed on the petitioners in S.C.No.453 of 2023 dated 22.03.2024 by the learned I Additional Sessions Judge, City Civil



CRL MP Nos.17806 & 17819 of 2024 in
CRL A Nos.1577 & 1581 of 2024

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Court, Chennai and release the petitioners on bail, pending disposal of the
above Criminal Appeals.

2. The case of the prosecution is that on 14.09.2021, at about 4.00 p.m., due to previous enmity, the petitioners alongwith other accused have attacked PW9 with knife and caused grievous injuries on the head, fingers and hands.

3. The petitioners/A.1 & A.2 in S.C.No.453 of 2023 were convicted by the Trial Court and sentenced as follows -

(ii) A.1 & A.2 – sentenced to undergo Rigorous Imprisonment for one month for the offence u/s 341 r/w 34 of IPC and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for seven days ;

(i) A.1 – sentenced to undergo Rigorous Imprisonment for 2 years for the offence u/s 307 r/w 34 of IPC and imposed fine of Rs.5000/- and in default, to undergo three months simple imprisonment ;



CRL MP Nos.17806 & 17819 of 2024 in
CRL A Nos.1577 & 1581 of 2024

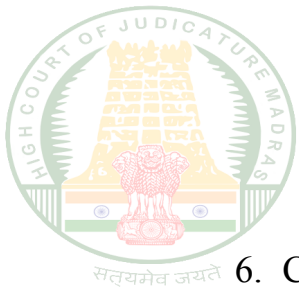
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(iii) A.2 – sentenced to undergo Rigorous Imprisonment for 5 years for the offence u/s 307 r/w 34 of IPC and imposed fine of Rs.25000/- and in default, to undergo three months simple imprisonment ;

Aggrieved by the above conviction, the petitioners/Accused filed Crl.A.Nos.1577 & 1581 of 2024 along with the instant miscellaneous petitions seeking suspension of sentence and bail.

4. The learned counsel for the petitioners would submit that the petitioners have raised substantial ground in the above appeals which requires consideration; that the petitioners are in custody from 22.03.2024 and that A.1 was in custody during investigation from 15.09.2021 to 11.11.2021 and A.2 was in custody from 15.09.2021 to 30.11.2021 and prayed for suspension of sentence imposed on the petitioners.

5. Heard the learned counsel for the petitioner as well as learned Government Advocate (Crl.side) and perused the counter affidavits filed by the State.



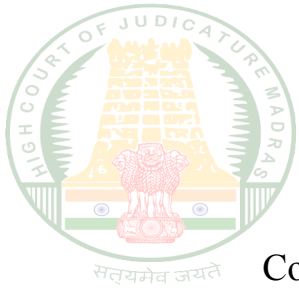
CRL MP Nos.17806 & 17819 of 2024 in
CRL A Nos.1577 & 1581 of 2024

WEB COPY

6. Considering the fact that the petitioners have raised substantial grounds in the above appeals which requires consideration; that the petitioners are in custody for more than one year out of total imprisonment of 5 years and that the appeals are not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

7. Accordingly, both the **Criminal Miscellaneous Petitions** are **allowed** and the sentence imposed on the petitioners are suspended and the petitioners are ordered to be released on bail on the following conditions -

- (i) The petitioners shall execute a bond for a sum of Rs.10,000/- each, with two sureties, each for a like sum to the satisfaction of the learned I Additional Sessions Judge, City Civil Court, Chennai ;
- (ii) The petitioners 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 petitioners 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 they are not able to appear before the trial



CRL MP Nos.17806 & 17819 of 2024 in
CRL A Nos.1577 & 1581 of 2024

WEB COPY

Court on any day, they 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 their absence, as directed by the trial Court.

10.01.2025

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Issue order copy by 13.01.2025
Upload the order copy forthwith.

To

- 1.The I Additional Sessions Judge,
City Civil Court, Chennai
- 2.The The Inspector Of Police
D-3, Ice House Police Station,
Chennai.
- 3.The Superintendent
Central Prison
Puzhal, Chennai
- 4.The Public Prosecutor,
High Court, Madras.



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CRL MP Nos.17806 & 17819 of 2024 in
CRL A Nos.1577 & 1581 of 2024

SUNDER MOHAN, J.

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10.01.2025