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CRL MP No.19798 of 2
in CrL.A. No.1619 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2025

CORAM

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

CRL MP No.19798 of 2023

in

CRL.A. No.1619 of 2023

Subramani

Petitioner

Vs

The State rep by
The Inspector Of Police, Malla
Samuthiram Police Station, Namakkal
District (Crime No.137/2014)

Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 389(1) and 439 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in Spl.C.C. No.43/2015 dated 22.02.2019 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal, Namakkal District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



ORDER

(Order of the Court was made by M.s.Ramesh J.)

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The petitioner/appellant is the sole accused, who seeks suspension of sentence in the criminal miscellaneous petition. The judgment of the trial court was passed on 22.02.2019 in Spl.C.C. No.43 of 2015 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal, Namakkal District.

2. It is stated that the petitioner herein/appellant has been in imprisonment from the date of the judgment, for the past more than six years. He found from the records that though 19 witnesses were examined on the side of the prosecution, none of the witnesses were cross-examined, apart from four prosecution witnesses having been turned hostile.

3. Taking into consideration the fact that the petitioner/accused has been under incarceration from 22.02.2019 for more than six years, as well the fact that the appeal is not likely to be taken up in the near future, we are inclined to suspend the sentence of the petitioner, in the light of the decision of the Hon'ble Supreme Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and Another*** reported in ***(2023) 1 SCC (Cri) 1***, wherein the



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Hon'ble Supreme Court had recorded that a prolonged appeal against an accused under custody or incarceration would be violative of Article 21 of the Constitution of India. So also, in the case of ***Vishnubhai Ganpatbhai Patel and Another Vs. State of Gujarat*** passed in ***Criminal Appeal No.3415 of 2023, dated 03.11.2023***, which dealt with suspension of sentence on the ground of prolonged incarceration.

4. 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/-, with two independent sureties, each for a like sum to the satisfaction of the learned Sessions (Fast Track Mahila) Judge, Namakkal, Namakkal District;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds 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



WEB COPY

CRL MP No.19798 of 2
in CrL.A. No.1619 of 2



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 and

(iv) This order of suspension shall be subject to payment of fine imposed on the petitioner by the Trial Court in the judgment.

[M.S.R., J] [N.S., J]
11.03.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Asr

To

1.The Sessions (Fast Track Mahila) Judge, Namakkal, Namakkal District.

2.The The Inspector Of Police,
Malla Samuthiram Police Station,
Namakkal District (Crime No.137/2014)

3.The Superintendent, Central Prison, Salem, Salem District

4.The Public Prosecutor, Madras High Court, Chennai – 600 104.



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CRL MP No.19798 of 2
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M.S.RAMESH J.
AND
N.SENTHILKUMAR J.

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in CrI.A. No.1619/2023

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