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Crl.M.P.No.17983 of 2024 in Crl.RC.No.2325 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17983 of 2024
in Crl.RC.No.2325 of 2024

1. Pradeep Kumar
2. Valliyammal

... Petitioners

Vs.

State represented by the
Inspector of Police, Karamadai Police Station,
Coimbatore District.
Crime No.181 of 2013.

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita to suspend the sentence imposed on the petitioner passed in C.A.No.286 of 2023 on the file of the learned I Additional District Judge, Coimbatore dated 20.09.2024, as confirmed by the Judgment of the learned Assistant Sessions Judge, Mettupalayam in S.C.No.250 of 2017 dated 16.08.2023 and enlarge the petitioner on bail pending disposal of the Criminal Revision.

For Petitioner : Mr.C. Ramkumar
For Respondent : Mr.C.Udayakumar,
Government Advocate (Crl.Side)

ORDER

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



order dated 20.09.2024 passed in C.A.No.286 of 2023 on the file of the learned I Additional District Judge, Coimbatore, as confirmed by the Judgment of the learned Assistant Sessions Judge, Mettupalayam in S.C.No.250 of 2017 dated 16.08.2023 and to enlarge the petitioner on bail pending disposal of the revision.

2. The petitioners were arrayed as A2 and A3 in the final report filed by the prosecution.

3. It is the case of the prosecution that, on account of prior enmity, on 02.06.2016, at about 01:00 p.m., while the defacto complainant and her husband were in the house, the petitioners, along with A1, demanded Rs.10,000/- and also abused the defacto complainant. Thereafter, a quarrel ensued, and the first accused stabbed the defacto complainant's husband with a knife, and that the petitioners caught hold of the victim.

4. Both the petitioners were convicted and sentenced to undergo simple imprisonment for a period of one month each for the offence under Sections 341 of IPC and and to undergo two years of simple imprisonment, along with a fine of Rs.1,000/-, in default to undergo two



weeks of simple imprisonment for the offences under Section 307 read with Section 34 of the IPC,.

5. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated and that, even as per the prosecution, the main allegation is against A1, who died pending trial, that he inflicted the injuries; that there are contradictions in the evidence of the witnesses which require consideration in the above revision; and that, the first petitioner had surrendered before the learned Assistant Sessions Judge, Mettupalayam, on 02.01.2025 and the second petitioner a lady may be exempted from surrender.

6. Mr.S.Udaya Kumar, learned Government Advocate (Crl. Side), confirms the fact that the first petitioner had surrendered before the court, and is now confined at Central Prison, Coimbatore.

7. Considering the fact that there are several arguable points in the above revision, which require consideration; the nature of allegation against the petitioner; the fact that the revision is not likely to be taken up in the near future and also the fact that the first petitioner had



surrendered before the trial court, this Court is inclined to grant the relief of suspension of sentence to both the petitioners and release the first petitioner on bail.

8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioners is suspended and the first petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioners 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 Assistant Sessions Judge, Mettupalayam;
- (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 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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03.01.2025

Issue order copy by 07.01.2025.
Upload the order copy forthwith.

To

1. Inspector of Police,
Karamadai Police Station,
Coimbatore District.
2. Learned Assistant Sessions Judge,
Mettupalayam.
3. Learned I Additional District Judge,
Coimbatore.
4. Central Prison, Coimbatore.
5. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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