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CRL MP No. 22438 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 22438 of 2025

IN

CRL A NO. 1805 OF 2025

SOMASUNDRAM

S/o.Gopal,

2/86, Perumal Koil Street,

Vadaperumpakkam, Redhills

Chennai - 600 052

Petitioner(s)

Vs

The State Rep By Its,

The Inspector of Police, M-4 Redhills

Police Station, Chennai - 600 052

Cr.No.748/2016

Respondent(s)

PRAYER

To suspend the sentence dated 04.11.2025 imposed on the appellant in S.C.No.156 of 2017 by the Learned Additional Assistant Sessions Judge, Ponneri and enlarge him on bail pending disposal of the above Criminal Appeal.



For Petitioner(s): Mr. S.Sathia Chandran

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/A1, seeking suspension of sentence imposed by the learned Addl. Asst. Sessions Judge, Ponneri, in S.C.No.156 of 2017 dated 04.11.2025 and enlarge the petitioner/A1 on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.156 of 2017 on the file of the learned Addl. Asst. Sessions Judge, Ponneri. He was found guilty of the offences under Section 294(b), 352, 307 r/w 34 of I.P.C. and he has been convicted and sentenced to undergo simple Imprisonment for 3 months and to pay a fine of Rs.500/- each for the offence under Sec.294(b) I.P.C. in default of



payment of fine, to undergo simple imprisonment for two weeks. He has also been sentenced to undergo simple imprisonment for a period of 3 months and to pay a fine of Rs.500/- for the offence under Sec.352 I.P.C., in default to undergo simple imprisonment for two weeks. He has been sentenced to undergo simple imprisonment for a period of 10 years and to pay a fine of Rs.500/- each for the offence under Sec.307 r/w 34 of I.P.C., in default to undergo simple imprisonment for the period of one year each. Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/first accused raised the following grounds for consideration :-

(a)The trial court grossly erred in convicting the appellant and others inspite of the fact that the prosecution failed to examine any independent witness when the occurrence had allegedly taken place at 08.00 to 08.30 a.m. in broad daylight and there are houses in the vicinity surrounding the scene of occurrence even as per Ex.P5 rough sketch.



(b)The trial court has grossly erred in convicting the appellant and others solely on the basis of interested witnesses viz., P.W.1 wife of alleged victim P.W.2, P.W.3 and P.W.4, who are daughters of P.W.2 when their presence at the scene of occurrence is highly doubtful as their presence was not mentioned in the FIR complaint or 161 statement of P.W.1. In particular, in cross-examination of P.W.10, the Investigation Officer, he has candidly admitted that the presence of PW.3 and P.W.4 was not mentioned in the complaint.

(c)The trial court has grossly erred in convicting the appellant and two others when the prosecution examined one Raman as P.W.5 and one Sathish Kumar as P.W.6, claiming to be independent witnesses residing in the vicinity of the alleged scene of occurrence, they turned hostile and did not support the prosecution case. Their cross-examination by prosecution also could not elicit anything to support the prosecution case. Interestingly, the rough sketch (Ex.P5) does not show the alleged residences of P.W.5 and P.W.6. Hence, the claim that P.W.5 and P.W.6 are eye witnesses is totally false.



(d) The trial court omitted to consider the clear admission of P.W.10

investigation officer that in the rough sketch (Ex.P5) there was no

mention about the disputed pathway, which was allegedly closed by A1

by putting thorn bushes and also the fact that there was a high

compound wall between the houses of A1 and P.W.2. Hence, P.W.10

filed the charge sheet even without visiting the alleged scene of

occurrence based on the false complaint made by PW1.

By submitting the aforesaid grounds, he would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has 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 and contended 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.

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 all the accused are relatives and there was a family dispute between them. Considering that and also considering the fact that he is in custody from the date of judgment i.e. on 04.11.2025 for more than 21 days and he has no bad antecedents and 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 each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Addl. Asst. Sessions Judge, Ponneri.**

(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 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**



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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.

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

25-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Addl. Asst. Sessions Judge, Ponneri.

2. The Inspector of Police,



M-4 Redhills Police Station,
Chennai - 600 052

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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