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CRL MP No. 1464 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 1464 of 2026

in

Crl.A.No.93 of 2026

Manivannan

...Petitioner(s)

Vs.

State by

The Inspector of Police,

(Law and Order)

R-7, K.K.Nagar Police Station,

Chennai District.

Crime No.933 of 2020

...Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) BNSS, to suspend the sentence against the petitioner/Accused by the S.C.No.66 of 2022 on the file of learned XVII Additional Session Court, Chennai in dated 29.07.2024 and enlarge the petitioner on bail, pending disposal of this appeal.

For Petitioner(s): Mr.P.Muthamizhselvakumar

For Respondent(s): Mr.S.Balaji
Government Advocate(Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence passed by the the XVII-Additional Session Court,



Chennai, in S.C.No.66 of 2022 dated 29.07.2024 pending disposal of the above criminal appeal.

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2. The petitioner/Accused No.2 in S.C.No.66 of 2022 was convicted by the Trial Court by judgment dated 29.07.2024 for the offences under Section 307 IPC (2 counts) and sentenced to undergo five years rigorous imprisonment and directed to pay a fine of Rs.5,000/-, in default, to undergo six weeks simple imprisonment. Aggrieved by the same, the petitioner filed Crl.A.No.93 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. The case of the prosecution is that the petitioner along with the first accused had attacked P.W.1 and P.W.2 with a knife on their hands and head, since the first accused had suspected the character of P.W1 and thus committed the aforesaid offence.

4. The learned counsel for the petitioner would submit that when the first accused filed a petition for suspension of sentence, his wife, who was examined as P.W.1 has stated before this Court that the parties are arrived at a compromise and that she had no objection to allow the criminal appeal and set aside the conviction; and that this Court, while recording the said fact had



granted suspension of sentence; that the petitioner is similarly placed and he is in custody for nearly 1½ years since the date of judgment; and therefore, the sentence imposed on the petitioner may also be suspended.

5. The learned Government Advocate for the respondent, however, vehemently opposed the prayer stating that the petitioner is a habitual offender and there are two cases registered against him under Section 302 IPC and are pending trial; and that there are two injured witnesses in this case and the compromise arrived at between P.W.1 and the first accused cannot enure to the benefit of the petitioner and prayed for dismissal of the petition.

6. Admittedly, the petitioner is in custody from 29.07.2024 as against the fixed period of sentence of five years imposed by the Trial Court. The sentence imposed on the first accused has been suspended by this Court in CrI.M.P.No.20351 of 2025 in C.A.No.542 of 2025. Considering the aforesaid facts and the nature of the allegations, this Court is inclined to suspend the sentence. However, since the petitioner is involved in two other cases, this Court is inclined to impose stringent conditions.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the



above Criminal Appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the XVII Additional Session Court, Chennai;
- (ii) The petitioner shall stay at Dharmapuri District and shall report before the Inspector of Police, Palacode Police Station, Dharmapuri everyday at 10.30 a.m., until further orders, except on the hearing dates of the trial faced by him;
- (iii) 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; and
- (iv) The petitioner 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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SUNDER MOHAN, J.

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To

1. The XVII Additional Session Court, Chennai
2. The Inspector of Police, (Law and Order)
R-7, K.K.Nagar Police Station,
Chennai District.
3. The Public Prosecutor,
High Court of Madras, Madras.
4. The Central Prison, Puzhal

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