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N.Pandiyan Vs State represented by, The Inspector of Police,

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Court : Chennai Orders

Decided On : Sep-01-2025

Judge : Honourable Mrs.Justice T.V.Thamilselvi

Appeal No. : CRL MP/16476/2025

Appellant : N.Pandiyan

Respondent : State represented by, The Inspector of Police,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI IN CRL A NO. 1379 OF 2025

1. N.Pandiyan S/o.Late.Nallathambi

2. P.Suseela

W/o.Pandiyan Petitioner(s) Vs State represented by, The Inspector of Police, Kachirappalayam Police Station, Kallakurichi District. Respondent(s) PRAYER To suspend the sentence dated 22.04.2024 made in SC No.224/2019 by the Learned Additional District and Sessions Judge, at Kallakurichi, pending disposal of the above Appeal.

For Petitioners: Mr. L.Rajendran For Respondents: Mr.V.Meganathan, Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned Addl. District Sessions Judge, Kallakurichi, in S.C.No.224 of 2019 dated 22.04.2024, and enlarge the petitioners on bail pending disposal of the above appeal.

2. The petitioners herein are the accused in S.C.No.224 of 2019 on the

st file of the learned Addl. District Sessions Judge, Kallakurichi. The 1 appellant nd was found guilty of the offences under Section 294(b) and 304(2) and the 2 appellant was found guilty of offence undre Sec.304(2) r/w 114 of IPC/BNS and they have been convicted and sentenced as under:

S.No. Conviction Sentence st 1 Section 294(b) and The 1 appellant has to undergo rigorous 304(2) of I.P.C. imprisonment under Sec.294(b) I.P.C. for a period of one month and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for two months and under Sec.304(2) I.P.C. to undergo rigorous imprisonment for a period of three months and

S.No. Conviction Sentence to pay a sum of Rs.10,000/-, in default to undergo six months simple imprisonment. nd 2 Section 304(2) r/w The 2 appellant has to to undergo rigorous 114 of IPC imprisonment for a period of three years and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for six months. Aggrieved by the same, the petitioners have filed this appeal along with the

present miscellaneous petition.

3. The learned counsel for the petitioners/accused would submit that the

st nd deceased is father of 1 petitioner and the 2 petitioner is daughter-in-law of deceased. According to them, there was a family dispute, thereby there was a wordy quarrel between them and he had slapped him, as a result of which, he died. However, there is no intention to attack the deceased on that day, but the trial judge had erroneously convicted him. He would also submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. Further it is his specific submission that while at the time of pronouncing judgment, the trial court has suspended the sentence till 22.04.2024. He would submit that the petitioners are 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. Further, he would contend 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. Considering the facts and circumstances of the case coupled with

the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners 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 petitioners/accused are 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 for a like sum to the satisfaction of the learned Addl. District Sessions Judge, Kallakurichi.

(b) The petitioners/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 petitioners 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 there are not able to appear before the trial 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 his absence, as directed by the trial Court.

8. With the above directions, this Criminal Miscellaneous Petition is ordered. 01-09-2025 Index:Yes/No

Speaking/Non-speaking order

Internet:Yes Neutral Citation:Yes/No rpp To

1. Addl. District Sessions Judge, Kallakurichi, Kallakurichi Dt.

2. The Inspector of Police, Kachirappalayam Police Station, Kallakurichi Dt.

3. The Public Prosecutor, High Court, Madras. T.V.THAMILSELVI J. rpp CRL MP No. 16476 of IN CRL A NO. 1379 OF 01-09-2025

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