

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CrI.R.C.No.656 of 2015

and

M.P.No.1 of 2015K.Alagumalai

S/o.Kanakaraj .. Petitioner

Vs.

State by

The Inspector of Police,
Namakkal Police Station,
Namakkal,
Namakkal District.
Crime No.740 of 2014

.. Respondent

Criminal Revision filed under section 397 and 401 Cr.P.C. against the order dated 30.04.2015 passed in C.M.P.No.404 of 2015 in C.A.No.21 of 2015 on the file of learned Principal Sessions Judge, Namakkal, whereby dismissing the petition for suspension of sentence passed by learned Additional Assistant Sessions Judge, Namakkal, in S.C.No.21 of 2014 dated 24.04.2015.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.C.Iyyapparaj,
Government Advocate [CrI.side]

O R D E R

This revision is preferred against the order of learned Principal Sessions Judge, Namakkal, passed in C.M.P.No.404 of 2015 in C.A.No.21 of 2015, on 30.04.2015.

2. Petitioner was convicted for offence u/s.326 IPC in case tried in S.C.No.21 of 2014 on the file of learned Additional Assistant Sessions Judge, Namakkal, under judgment dated 24.04.2015. Petitioner was sentenced to 3 years R.I. and fine of Rs.2,000/- i/d. 4 weeks S.I. He further was directed to pay a sum of Rs.2,50,000/- as compensation to the injured. He moved an appeal in C.A.No.21 of 2015 on the file of learned Principal Sessions Judge, Namakkal, against his conviction. He also moved C.M.P.No.404 of 2015 in C.A.No.21 of 2015 seeking suspension of sentence and also exemption from payment of compensation. Such

petition has been dismissed under orders dated 30.04.2015. Against such order, the petitioner has moved the present revision.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4. This Court, under orders dated 03.07.2015, has been pleased to direct suspension of sentence and exemption from payment of compensation subject to the petitioner's depositing a sum of Rs.75,000/- to the credit of S.C.No.21 of 2014 on the file of learned Additional Assistant Sessions Judge, Namakkal. On the failure to comply with the condition imposed by this Court, the petitioner has been taken into custody on 01.10.2015 and he is in custody till date.

In view of change of circumstance, this Court disposes of the revision directing the petitioner to move the appellate Court afresh seeking suspension of sentence and exemption from payment of compensation. Consequently, connected miscellaneous petition is closed.

gm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Principal Sessions Judge,
Namakkal.
 - 2.The Additional Assistant Sessions Judge,
Namakkal.
 - 3.The Inspector of Police,
Namakkal Police Station,
Namakkal, Namakkal District.
 - 4.The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.C.Prakasam, Advocates Sr64729.

Crl.R.C.No.656 of 2015

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