

**Crl.M.P.No.2865 of 2016
in Crl.R.C.No.433 of 2015**

DR.P.DEVADASS, J.

The petitioner, who is the third appellant in C.A.No.75 of 2011 on the file of the I Additional Sessions Judge, Vellore, which has been preferred as against the judgment in C.C.No.90 of 2006 on the file of the learned Judicial Magistrate No.II, Vellore, seeks suspension of his sentence of imprisonment.

2. Appreciating the evidence, oral and documentary, the learned Judicial Magistrate No.II, Vellore convicted and sentenced him as under:

Sl. No.	Conviction	Sentence
1.	Under section 406 IPC	1 year R.I and fine Rs.1,000/- i/d 1 month S.I.
2.	Under Section 477(A) IPC	1 year R.I and fine Rs.1,000/- i/d 1 month S.I. The sentences shall run concurrently.

He has paid the fine amounts.

3. The said conviction and sentence have been confirmed by the Appellate Court.

4. The learned counsel for the petitioner contended that both the courts have fell into error and there is legal perversity.

5. The learned Government Advocate (Crl.side) submitted that the findings have been rendered based on the legal evidence adduced, no ground to interfere in the concurrent findings recorded by the Courts below.

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6. I have anxiously considered the rival submissions and perused the judgments of the Court below and the materials on record. I find prima facie case. The revision petitioner was on bail throughout the Trial Court and in the Appellate Court. Further, it will take some time for the disposal of this criminal revision. In the circumstances, I am inclined to suspend his sentence of imprisonment.

7. Ordered as under :

(i) Bail granted.

(ii) Sentence of imprisonment alone is suspended.

(iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Vellore.

(iv) Petitioner shall appear before the said Magistrate on the first working day of every month at 10.30 a.m. until further orders.

14.03.2016

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To

1. The I Additional Sessions Judge,
Vellore.
2. The Judicial Magistrate No.II,
Vellore.
3. The Sub Inspector of Police,
C.C.I.W., Vellore.

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In view of the order passed in
Crl.M.P.No.2865 of 2016 in Crl.R.C.No.433 of
2016 granting suspension of sentence, this
petition seeking exemption from surrender, is
closed.

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DR. P.DEVADASS, J.

Heard the learned counsel for the
Revision Petitioner.

Admit this revision.

Learned Government Advocate
(Crl. Side) takes notice for the
respondent and seeks time to file
counter.

Post after two weeks.

14.03.2016

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