

Crl.M.P.No.4856 of 2017
in
Crl.R.C.No.546 of 2017

V.BHARATHIDASAN, J.,

The petitioner seeks suspension of his sentence of imprisonment in Crl.M.P.No.4856 of 2017.

2. Totally there are 3 accused in C.C.No.94 of 2006 on the file of the Judicial Magistrate, Sirkali and the petitioner is A3. The trial Court, by a judgment dated 16.12.2011, convicted A1 and the petitioner/A3 for the offence under Sections 394 IPC and sentenced them to undergo simple imprisonment for 3 years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for 3 months each and acquitted A2 from the charge under Section 394 IPC.

3. Challenging the above said conviction and sentence, the petitioner/A3 had preferred an appeal in C.A.No.88 of 2011 on the file of the Sessions Court, Nagapattinam, and the lower appellate court confirmed the conviction and sentence and dismissed the appeal, by a judgment dated 15.03.2017.

4. Challenging the same, the present revision has been filed along with the petition for suspension of sentence.

5. The learned counsel appearing for the petitioner submits that the petitioner is confined at Central Prison, Trichy. He also submits that as per the evidence of P.W.2, immediately after the occurrence, complaint was given by the villagers and the said complaint has been suppressed by the prosecution. Apart from that the recovery of the stolen articles from the petitioner has also not been proved.

6. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials available on record.

7. Taking into consideration of the submission of the learned counsels appearing on both sides, since there are some arguable points involved in the revision, I am inclined to suspend the substantive sentence of imprisonment alone.

8. Accordingly, pending revision, **substantive sentence of imprisonment alone is suspended** and the petitioner is directed to be

enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Sirkali with further condition that he shall appear before the said court on the first working day of every month at 10.30 a.m., until further orders.

13.04.2017

mrp

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V.BHARATHIDASAN, J.,

mrp

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