

Crl.M.P.Nos.5925 & 5926 of 2017

in

Crl.R.C.No.651 of 2017

V.BHARATHIDASAN, J.,

The petitioner seeks suspension of his sentence of imprisonment in Crl.M.P.No.5925 of 2017 and exemption from surrendering before the trial court in Crl.M.P.No.5926 of 2017.

2. The petitioner faced trial in C.C.No.33 of 2013 on the file of the Judicial Magistrate No.I, Hosur and the trial Court, by a judgment dated 14.09.2016, convicted the petitioner/accused for the offences under Sections 498(A) and 506(i) IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.2,000/-, in default, to undergo, simple imprisonment for three months for the offence under Section 498(A) IPC and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month for the offence under Section 506(i) IPC.

3. Challenging the above said conviction and sentence, the petitioner preferred an appeal in C.A.No.28 of 2016 on the file of the Additional District Court, Krishnagiri and the lower appellate court confirmed the conviction and sentence and dismissed the appeal, by a judgment dated 16.03.2017.

4. Challenging the same, the present revision has been filed along with these petitions for suspension of sentence and exemption from surrendering before the trial court.

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5. The learned counsel appearing for the petitioner would submit that the lower appellate court disbelieving the evidence of P.W.1 regarding the second marriage and also harassment, mechanically convicted the petitioner under Sections 498(A) and 506(i) IPC.

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 counsel appearing for the petitioner, 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 released on bail on his executing 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 No.I, Hosur, 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. The surrender of the petitioner before the trial Court is exempted.

15.06.2017

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