



Crl.MP.No.4399 of 2018

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in
Crl.RC.No.358 of 2018

RMT.TEEKAA RAMAN, J.,

This Petition has been filed to suspend the sentence against the Petitioner imposed in C.C.No.149 of 2015 by the learned Judicial Magistrate No.2, Krishnagiri dated 17.07.2017, which was confirmed by the learned Principle Sessions Judge, Krishnagiri in Crl.A.No.38 of 2017 dated 25.01.2018.

2.The Petitioner, who is sole accused in C.C.No.149 of 2015 on the file of the learned Judicial Magistrate No.2, Krishnagiri, was convicted and sentenced as follows:

“One month rigorous imprisonment and a fine of Rs.500/- in default, two weeks simple imprisonment under Section 279 IPC, One month rigorous imprisonment and a fine of Rs.500/- in default, two weeks simple imprisonment under Section 337 IPC, three months rigorous imprisonment and a fine of Rs.500/- in default, two weeks simple imprisonment under Section 338 IPC and one year rigorous imprisonment and a fine of Rs.1,500/- in default, one month



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simple imprisonment under Section 304 (A) IPC ”

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3.The above conviction and sentence imposed by the learned Judicial Magistrate No.2, Krishnagiri was confirmed by the learned Principal Sessions Judge, Krishnagiri in Crl.A.No.38 of 2017.

4.The learned counsel for the Petitioner would draw my attention to the evidence of injured persons, who were examined as PW6 & PW7 and also draw my attention to Ex.P.3/rough sketch, which was drawn by the Investigating Officer and evidence of Investigating Officer/PW12. He would further submit that with regard to the scene of occurrence there is malpractice. Hence he would pray for suspension of the substantial sentence.

5.The learned Government Advocate has raised objections for suspending the sentence on the ground that there is concurrent finding.

6.Taking into consideration the submissions made by the learned counsel for the Petitioner, I find that there are arguable points available in the Revision and hence, I am inclined to suspend substantive sentences of



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imprisonment alone on certain conditions.

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7. Accordingly, till the disposal of the Revision, the substantive sentences of imprisonment alone is suspended, on the following conditions:-

- i. The Petitioner shall execute separate 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 learned Judicial Magistrate Court II at Krishnagiri, within fifteen days from the date of receipt of a copy of this order.
- ii. The Petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., for a period of six months.

13.04.2023
(2/2)

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Dated 13.04.2023
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