



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Tenth day of January Two Thousand Twenty

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PRESENT

The Hon'ble Mr Justice P. N. PRAKASH
CRIMINAL MISCELLANEOUS PETITION No.407 of 2020
IN CRL A.19/2020

PALANIAPPAN

[PETITIONER / APPELLANT]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
KAVINDAPADI POLICE STATION,
BHAVANI TALUK,
ERODE DISTRICT.
(CRIME NO.138/2018).

[RESPONDENT / RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.19/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence suspended the sentence imposed on the Petitioner in S.C.No.122/2018 on the file of the Sessions Judge, Mahalir Neethimandram, FTC, Erode dated 20.12.2019 and to enlarge the petitioner on bail pending disposal of the above Crl.A.No.19/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.19/2020 on the file of the High Court and upon hearing the arguments of M/S.B.KEERTHI KRISHNA, Advocate for the petitioner and of MR.G.RAMAR, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

This petition is filed seeking to suspend the sentence imposed on the petitioner, by judgment and order dated 20.12.2019 passed in S.C.No.122 of 2018 on the file of the Sessions Court (Fast Track Mahila Court), Erode.

2. The petitioner, who was the first accused in S.C.No.122 of 2018 before the Sessions Court (Fast Track Mahila Court), Erode, was convicted of the offences under Sections 323 and 325 IPC and sentencedp as follows:



Provision under which convicted	Sentence
Section 323 IPC	Fine of Rs.1,000/-, in default to undergo three months simple imprisonment.
Section 325 IPC	Five year rigorous imprisonment and fine of Rs.25,000/-, in default to undergo six months simple imprisonment.

3. Challenging the same, the petitioner has filed the above appeal and Crl.M.P. seeking suspension of sentence and bail.

4. Heard Mr.B.Keerthi Krishna, learned counsel for the petitioner and Mr.G.Ramar, learned Government Advocate (Crl.Side) for the respondent/State.

5. The learned counsel for the petitioner submitted that the trial Court suspended the substantive sentence of imprisonment under Section 389 (3) (ii) Cr.P.C. for enabling the petitioner to file an appeal before this Court and obtain orders of suspension of sentence and bail under Section 389 (1) Cr.P.C. He further submitted that the trial Court has granted time till 26.01.2020.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted on the following conditions:

(i) The petitioner shall surrender before the trial Court on or before 26.01.2020 and on such surrender, the petitioner shall be released on bail, on he executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the trial Court.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of this appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-
10/01/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT),
ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KAVINDAPADI POLICE STATION,
BHAVANI TALUK,
ERODE DISTRICT.

+1 C.C. to M/S. B.KEERTHI KRISHNA Advocate on payment of necessary charges SR.No.596

Order

in
CRL MP.407/2020

in
CRL A.19/2020

Date :10/01/2020