

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5637 of 2021

and Crl.A No.225 of 2021

1. Bakrudeen
2. Yusub
3. Nooriahan

...Petitioners

-Vs-

State Rep. By
The Inspector of Police,
Modakurichi Police Station,
Erode District.
Crime No.310 of 2021.

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 06.01.2021 made in SC. No.62 of 2018 on the file of the learned Sessions Judge, Magalir Neethimandram (FTC) Erode and enlarge the petitioners on bail pending disposal of the above criminal appeal.

For Petitioners : Mr.N.Manoharan

For Respondent : Ms.Saradha
Government Advocate (Crl.Side)

ORDER

The petitioners figured as Accused in SC.No.62 of 2018 on the file of the learned Sessions Judge, Magalir Neethi Mandram, Erode. By the impugned judgment dated 06.01.2021, the trial Judge convicted A1 to A3 for the offence under Section 498A of IPC and sentenced them to undergo two years rigorous imprisonment and pay fine of Rs.10,000/- in default, to undergo two month simple imprisonment. Challenging the above said judgment, the petitioners have filed the present petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioners submitted that the petitioners are in incarceration for more than three months and they are having valid points to argue the appeal on merits.

3. Considering the facts and circumstances of the case and considering the submission of the learned counsel for the petitioner that there are arguable points which require consideration in the

appeal and the appeal cannot be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed by the Court below.

4. The sentence imposed by the Court below vide Judgment made in SC.No.62 of 2018 dated 06.01.2021 passed by the learned Sessions Judge, Magalir Neethi Mandram, Erode, is hereby suspended and the petitioners directed to be enlarged on bail, on condition that the petitioners shall execute a 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 learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) Erode and to appear before the said court on the first working day of every English calender month at 10.30 a.m. until further orders.

5. This Petition is ordered accordingly.

-sd/-

05/05/2021

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
(FTC), ERODE.

2 THE INSPECTOR OF POLICE,
MODAKURICHI POLICE STATION,
ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. N.MANOCHARAN Advocate on payment of necessary charges SR.NO.5919

Order

in

CRL MP.5637/2021

in

CRL A.225/2021

Date :05/05/2021

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