



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

Monday, the Fifteenth day of November Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.10690 of 2021

in Crl.R.C.No.657 of 2021

1 SAMIKANNU
2 VIJAY
3 MAHENDRAN

[PETITIONERS]

Vs

STATE REP BY
INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO. 569 OF 2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.657 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence pursuant to the judgment dated 03.07.2021 in C.A. 91 of 2019 on the file of the Principal sessions Judge, Tiruppur confirming the order of conviction and sentence dated 28.08.2019 in **(*)S.C.No. 33 of 2018** on the file of the Assistant Sessions Judge, Dharapuram and enlarge on Bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision.Case No.657/2021 on the file of the High Court and upon hearing the arguments of M/S.S.N.ARUNKUMAR, Advocate for the petitioner and of MR. S.SUGENDRAN, Govt. Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioners/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 03.07.2021 made in **(*)C.A.No.91 of 2019**, by the Principal Sessions Judge, Tiruppur confirming the judgment of the Assistant Sessions Judge, Dharapuram made in **(*)S.C.No.33 of 2018** dated 28.08.2019 pending disposal of the Criminal Revision Case.

2. This court heard the learned counsel on either side and also perused the materials placed on record.



3. In and by the impugned judgement, the Petitioners/accused was convicted and sentenced to undergo one month simple imprisonment for the offence under Sections 341 IPC and four years simple imprisonment for the offence under Section 307 IPC and to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment.

4. According to the learned counsel for the Petitioners/accused the Courts below have failed to taken into consideration the non explanation of the injuries suffered by the A1. The injuries sustained by A1 and treatment taken by A1 has been admitted by PW11/Doctor and PW12/Sub Inspector of Police who registered the FIR. When such being so, the investigating agency failed to conduct investigation with regard to the genesis of the occurrence and who is the aggressor. He would submit that there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioners/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioners/Accused may be suspended. He would further submit that the petitioners are in custody from 03.07.2021.

5. The learned Government Advocate (Crl. Side) has raised objections for suspending the sentence. He would submit that PW1, PW2 and PW9 are the injured witnesses and the prosecution has proved its case by examining sufficient witnesses and marked the documents.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the substantive sentence of imprisonment alone is suspended and the Petitioners/accused is ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioners/ accused 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 learned Assistant Sessions Judge, Dharapuram.



ii. The Petitioners/accused shall report before the Assistant Sessions Judge, Dharapuram, on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

15/11/2021

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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.

**(*) AMENDED AS PER ORDER OF THIS COURT DATED 22/11/2021 MADE IN
CRL.MP.NO.11992/2021**

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR
- 2 THE ASSISTANT SESSIONS JUDGE, DHARAPURAM
- 3 INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT.
- 4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBAORE.

C.C. to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges Sr.13187

Order
in
CRL MP.10690/2021

in Crl.R.C.No.657 of 2021

Date :15/11/2021

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

RVR 15/11/2021

RVR 23/11/2021