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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CrI.M.P.No.13513 of 2021

in CrI.A.No.660 of 2021

Latha Magesh

.. Petitioner/Accused No.2

Vs.

State represented by
The Inspector of Police,
Mayiladudhurai Police Station,
Mayiladudhurai District.
(Crime No.426/2015)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C., to suspend the sentence imposed on the petitioner by judgment and order dated 25.11.2021 passed in S.C.No.4 of 2016 on the file of the District and Sessions Court, Nagapattinam and to enlarge the petitioner on bail pending disposal of the appeal.

For petitioner : Mr.Swami Subramanian

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Made by P.N.PRAKASH, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 25.11.2021 passed in S.C.No.4 of 2016 on the file of the District and Sessions Court, Nagapattinam and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner (A2), who was tried along with Mohan (A1) in S.C.No.4 of 2016 before the District and Sessions Court, Nagapattinam, was convicted and sentenced as follows on 25.11.2021:



S.No.	Provision under which convicted	Sentence
1	Section 294(b) IPC	Fine of Rs.500/-, in default to undergo one month simple imprisonment.
2	Section 352 IPC	Fine of Rs.500/-, in default to undergo one month simple imprisonment.
3	Section 307 r/w 109 IPC	Three years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo one year simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner (A2) has filed CrI.A.No.660 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.Swami Subramanian, learned counsel for the petitioner (A2) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. The learned counsel for the petitioner (A2) submitted that the trial Court under Section 389 (3) Cr.P.C. has already suspended the sentence imposed on the petitioner (A2) till 23.12.2021 and prayed for suspension of sentence and bail.

6. The petitioner (A2) has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the trial Court has suspended the sentence imposed on the petitioner (A2) under Section 389 (3) Cr.P.C. 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 (A2) is entitled to the relief of suspension of sentence and bail.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner (A2) on the following conditions:

- (i) The petitioner (A2) shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the District and Sessions Court, Nagapattinam;
- (ii) The petitioner (A2) and sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile number to ensure their identity; and



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(iii) The petitioner (A2) shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner (A2) shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

-sd/-

16/12/2021

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 DISTRICT AND SESSIONS JUDGE,
NAGAPATTINAM.

2 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.SWAMI SUBRAMANIAN Advocate on payment of
necessary charges SR.NO.14942

Order
in
CRL MP.13513/2021
in
CRL.A.660/2021
Date :16/12/2021

From 7.2.2001 the Registry is issuing certified
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