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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.M.P.No.362 of 2022

in

Cr1.R.C.No.39 of 2022

Chandrasekar @ Vasudevan

...Petitioner

Vs.

The State by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Crime No.381 of 2013)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) & 439 of Cr.P.C to suspend the sentence of the judgment dated 18.06.2021 in C.A.No.89 of 2018 by the learned Principal Sessions Judge, Tiruppur modifying the judgment dated 13.08.2018 passed in S.C.No.148 of 2013 by the learned Subordinate Judge/Assistant Sessions Judge, Palladam, pending disposal of the above Criminal Revision Petition.

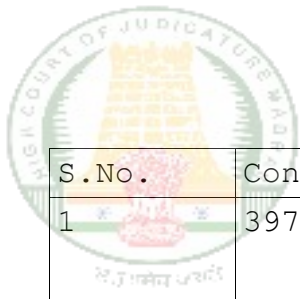
For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed by the learned Principal Sessions Judge, Tiruppur, in C.A.No.89 of 2017 dated 18.06.2021, by modifying the judgment and sentence passed in S.C.No.148 of 2013 dated 13.08.2018 by the learned JSubordinate Judge/Assistant Sessions Judge, Palladam, and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the first accused in C.C.No.148 of 2014 on the file of the learned Subordinate Judge/Assistant Sessions Judge, Palladam. He was found guilty of the offence under Section 397 r/w 34 of IPC and he has been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	397 r/w 34 of IPC	to undergo simple imprisonment for a period of five years and to pay fine of Rs.5,000/- in default to undergo a simple imprisonment for a period of three months.

Aggrieved against the same, the petitioner had filed appeal in C.A.No.89 of 2018 and the learned Principal Session Judge, Tiruppur, by an order dated 18.06.2021, had dismissed the appeal and modified the conviction from 397 r/w 34 of IPC to 394 r/w. 34 of IPC and confirmed the sentence, against which the present revision has been filed.

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

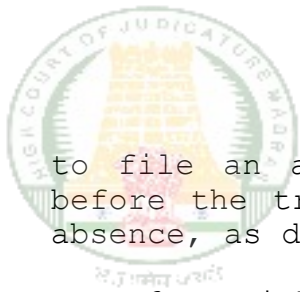
4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner, further this revision is not likely to be taken for final hearing in the near future, 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 reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner/accused is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Subordinate Judge/Assistant Sessions Judge, Palladam.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition 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.

6. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-

12/04/2022

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

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

TO

1 THE PRINCIPAL SESSIONS JUDGE,
TIRUPPUR.

2 THE SUBORDINATE JUDGE/
ASSISTANT SESSIONS JUDGE, PALLADAM.

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, TIRUPPUR.

+1C.C. to M/S. M.JAIKUMAR Advocate on payment of necessary charges SR.No.5582

Order
in
CRL MP.362/2022
in
CRL.RC.39/2022
Date :12/04/2022

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CSK 13/04/2022