



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N.SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.1901 of 2022

IN CRL RC.189/2022

MANIKANDAN

[PETITIONER/APPELLANT/A-1]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
M-3, KOVILPALAYAM POLICE STATION,
COIMBATORE.
(CRIME NO.99/2016)

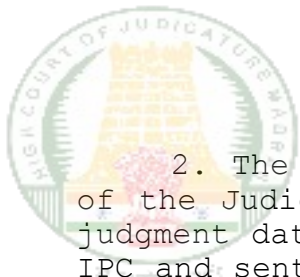
[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To Suspend the Sentence passed in the Judgment and Sentence imposed in C.C.No.380/2016 dated 07.02.2019 by the Learned Judicial Magistrate-II, Coimbatore which was Confirmed by the Learned I Additional District Judge, Coimbatore in Crl.A.93/2019 dated 22.04.2019 and enlarge the petitioner on bail pending disposal of the Crl.R.C.No.189 of 2022.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S R.VIVEKANANTHAN, Advocate for the petitioner, and of M/S.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 07.02.2019 in CC.No.380 of 2016 passed by the Judicial Magistrate - II, Coimbatore and confirmed by the judgment dated 22.04.2019 in Crl.A.No.93 of 2019 on the file of the I Additional District Judge, Coimbatore.



2. The petitioner faced trial in C.C.No.380 of 2016 on the file of the Judicial Magistrate II, Coimbatore and the trial Court, by a judgment dated 07.02.2019, convicted the petitioner under Section 392 IPC and sentenced him to undergo 3 years of rigorous imprisonment and also further ordered to pay a fine of Rs.2000/- and in default to undergo imprisonment for 1 month and the same was confirmed by the I Additional District Judge, Coimbatore in Crl.A.No. 93 of 2019 Vide its order dated 22.04.2019. Challenging the same, the present Revision has been filed along with this petition for suspension of sentence.

3.This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

4.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.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, 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 he executing 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 Judicial Magistrate - II, Coimbatore.

(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. These Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-

17/02/2022

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 I ADDITIONAL DISTRICT JUDGE,
COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
M-3 KOVILPALAYAM POLICE STATION, COIMBATORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

Copy To:

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S R.VIVEKANANTHAN Advocate on payment of necessary charges SR.NO.2477

Order
in
CRL MP.1901/2022
in
CRL RC.189/2022
Date :17/02/2022

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TA-22/02/2022