



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

Monday, the Twenty First day of February Two Thousand Twenty Two
PRESENT

WEB COPY

The Hon`ble Mr Justice N. SESHASAYEE
CRIMINAL MISCELLANEOUS PETITION No.2012 of 2022

IN

CRL RC.197/2022

S.VINODH

[PETITIONER/ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
B8, RS.PURAM POLICE STATION,
COIMBATORE DISTRICT

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.197/2022 on the file of the High Court, the High Court will be pleased to Suspend the Sentence which was imposed by the 1st Additional District and Sessions Judge, Coimbatore in C.A.127/2020 dated 08.01.2021 against Confirming the Conviction and Sentence passed in C.C.232/2014 by the learned Judicial Magistrate-I, Coimbatore dated 02.03.2020 and till disposal of this Crl.RC.No.197 of 2022.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.197 of 2022 on the file of the High Court and upon hearing the arguments of M/S R.C.PAUL KANAGARAJ, Advocate for the petitioner and of MR.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 02.03.2020 in CC.No.232 of 2014 passed by the learned Judicial Magistrate -1, Coimbatore and confirmed by the judgment dated 08.01.2021 in Crl.A.No.127 of 2020 on the file of the 1st Additional District and Sessions Judge, Coimbatore.

2. This Court heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) for the respondent and also perused the materials placed on record.



3. In and by the judgment of the Sessions Court, the Petitioner was convicted for the offence under Section 392 of IPC to undergo sentence with simple imprisonment for two years with a fine amount of Rs.1000/- and if the fine amount is not paid to undergo one month simple imprisonment. The sentence was ordered to run consecutively. Against which, the present Revision has been filed.

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 and the petitioner may be exempted from surrendering before the Trial Court.

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, 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 executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the Judicial Magistrate-I, Coimbatore.

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

(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 Criminal Revision 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. The Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-

21/02/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 IST ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

4 INSPECTOR OF POLICE,
B8, RS.PURAM POLICE STATION,
COIMBATORE DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S R.C.PAUL KANAGARAJ Advocate on payment of necessary
charges Sr.2658

Order

in
CRL MP.2012/2022

in
CRL RC.197/2022

Date :21/02/2022

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RVR 24/02/2022