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*Crl.M.P.Nos.3259 & 3260 of 2022
in Crl.RC.No.308 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **R.PONGIAPPAN**

Crl.M.P.Nos.3259 & 3260 of 2022
in
Crl.RC.No.308 of 2022

Parthiban

...Petitioner/A3

Vs.

State Rep by
The Inspector of Police,
Kalavai Police Station
Cr.No.147 of 2009

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 397 (1) r/w 439 & 482 of Cr.P.C to suspend the sentence of imprisonment imposed by the learned II Additional District and Sessions Judge, Ranipet, Vellore District in Crl.A.No.24 of 2020 dated 16.11.2021 by confirming the judgment and sentence passed in SC.No.187 of 2012 dated 12.02.2020 by the learned Assistant Sessions Judge at Ranipet and enlarge the petitioner on bail pending disposal of Crl.RC.No.308 of 2022 and to exempt the petitioner from surrendering.

For Petitioner : M/s.A.Laxmi Rajarathinam



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For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner/A3, seeking suspension of sentence imposed upon the petitioner in Crl.A.No.24 of 2020 dated 16.11.2021 by the learned II Additional District and Sessions Judge, Ranipet, Vellore District by confirming the judgment and sentence passed in SC.No.187 of 2012 dated 12.02.2020 by the learned Assistant Sessions Judge at Ranipet and enlarge the petitioner on bail pending disposal of the above revision petition and seeking to exempt the petitioner from surrendering before the trial court.

2. The petitioner herein is the third accused in SC.No.187 of 2012 on the file of the learned Assistant Sessions Judge at Ranipet. He was found guilty of the offence under Section 307 r/w 34 of IPC and he has been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	Section 307 r/w 34 of IPC	to undergo a rigorous imprisonment for a period of four years and to pay a fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment

Aggrieved against the same, the petitioner had filed appeal in Crl.A.No.24 of 2020 and the learned II Additional District and Sessions Judge, Ranipet, Vellore District by judgment dated 16.11.2021 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. According to the learned counsel for the petitioner/A3, there are arguable points available in the Criminal Revision Case and the petitioner/A3 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/A3 may be suspended and the petitioner may be exempted from surrendering before the Trial Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing the



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petitions. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent police, 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, exemption from surrendering and bail are granted on the following conditions:



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(a) The petitioner/A3 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 Assistant Sessions Judge, Ranipet, Vellore District

(b) The petitioner/A3 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.



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7. With the above directions, these Criminal Miscellaneous
Petitions are ordered.

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To

- 1.The learned II Additional District and
Sessions Judge,
Ranipet, Vellore District
- 2.The learned Assistant Sessions Judge at Ranipet
- 3.The Inspector of Police,
Kalavai Police Station
- 4.The Public Prosecutor,
High Court of Madras



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R.PONGIAPPAN, J.

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