



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

Tuesday, the Twenty Second day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE  
CRIMINAL MISCELLANEOUS PETITION No.2124 of 2022

IN CRL.RC.No.208 OF 2022

S.SAGUL HAMEED

[ PETITIONER ]

Vs

THE INSPECTOR OF POLICE  
ANAMALAI POLICE STATION,  
POLLACHI, COIMBATORE DISTRICT  
(CRIME NO.468/2013)

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.No.208 OF 2022 on the file of the High Court, the High Court will be pleased to Suspend the Sentence Imprisonment imposed on the petitioner in Judgment dated 26.11.2021 made in C.A.208/2020 on the file of the IV Additional District and Sessions Judge, Coimbatore Confirming the Judgment dated 22.10.2020 made in C.C.180/2014 on the file of the Court of Judicial Magistrate No.1, Pollachi and enlarge the petitioner on bail pending disposal of the above CRL.RC.No.208 OF 2022

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.No.208 OF 2022 on the file of the High Court and upon hearing the arguments of M/S S.ARJUN, 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, seeking suspension of sentence imposed on him by judgment dated 22.10.2020 passed in C.C.No.180 of 2014 by the learned Judicial Magistrate No.I, Pollachi, confirmed by the judgment dated 26.11.2021 passed in C.A.No.208 of 2020 by the learned IV Additional District and Sessions Judge, Coimbatore and to enlarge the petitioner on bail pending disposal of the above revision.

2. The petitioner herein faced trial in C.C.No.180 of 2014 on the file of the Judicial Magistrate Court No.I, Pollachi and the trial Court, by judgment dated 22.10.2020 has found him guilty of the offences under Section 279 IPC and convicted and sentenced him to pay



a fine of Rs.700/-, in default, to undergo simple imprisonment for a period of one month; under Section 338 IPC (Total 2 counts) to pay a fine of Rs.800/- each for each count, in default, to undergo simple imprisonment for a period of one month and; under Section 304(A) (Total 3 counts) to undergo simple imprisonment for a period of one year for each count, which was confirmed by the learned IV Additional District and Sessions Judge, Coimbatore in C.A.No.208 of 2020 vide judgment dated 26.11.2021. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner/accused submitted that there are arguable points available in the Criminal Revision Case, and the petitioner/accused has got a fair chance of succeeding in the revision and hence, the substantive sentence imposed against the petitioner may be suspended.

4.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.

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 imposed as against the petitioner alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence is granted subject to the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on condition that he shall execute 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 learned Judicial Magistrate No.I, Pollachi.

(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. This Criminal Miscellaneous Petition stand ordered accordingly.

-sd/-

22/02/2022

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 JUDICIAL MAGISTRATE,  
NO.I, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE (FOR INFORMATION)

3 IV ADDITIONAL DISTRICT AND  
SESSIONS JUDGE, COIMBATORE.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE  
ANNAMALAI POLICE STATION,  
POLLACHI, COIMBATORE DISTRICT

C.C. to M/S S.ARJUN Advocate on payment of necessary charges  
SR.2721

Order

in  
CRL MP.2124/2022

IN CRL.R.C.No.208 OF 2022

Date :22/02/2022

From 7.2.2001 the Registry is issuing certified  
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RVR 24/02/2022