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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.2683 and 3758 of 2022

in Crl.R.C.No.268 of 2022

Lingamuthu

... Petitioner /Accused
[in both Crl.M.Ps]

versus

State rep. by its
The Inspector of Police,
Kunnathur Police Station.
(Crime No.87 of 2017)

...Respondent /Complainant
[in both Crl.M.Ps]

COMMON PRAYER: Criminal Miscellaneous Petitions have been filed under Section 389 & 482 of Cr.P.C., praying to suspend the sentence imposed by the judgment dated 20.01.2022 in Crl.A.No.64 of 2021 on the file of the learned Principal Sessions Judge, Tiruppur, by confirming the judgment and sentence passed in C.C.No.7 of 2019 dated 27.08.2021 passed by the learned District Munsif-cum-Judicial Magistrate, Uthukuli and enlarge the petitioner on bail pending disposal of the above revision petition and to exempt the petitioner from surrendering before the trial Court.

For Petitioner
[in both Crl.M.Ps]

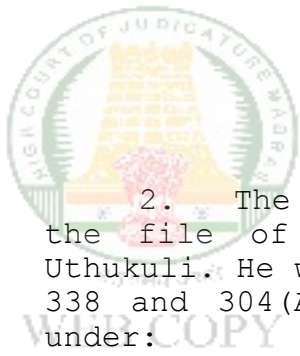
: Mr.V.Raghavachari

For Respondent
[in both Crl.M.Ps]

: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence imposed upon the petitioner in Crl.A.No.64 of 2021 dated 20.01.2022 by the learned Principal Sessions Judge, Tiruppur, by confirming the judgment and sentence passed in C.C.No.7 of 2019 dated 27.08.2021 by the learned District Munsif-cum-Judicial Magistrate, Uthukuli and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial court pending disposal of the above revision petition.



2. The petitioner herein is the accused in C.C.No.7 of 2019 on the file of the learned District Munsif-cum-Judicial Magistrate, Uthukuli. He was found guilty of the offences under Sections 279, 337, 338 and 304(A) of IPC and he has been convicted and sentenced as under:

<i>Offence</i>	<i>Sentence</i>
Section 279 of IPC	Simple Imprisonment for 1 month
Section 337 of IPC	Simple Imprisonment for 3 months
Section 338 of IPC	Simple Imprisonment for 6 months
Section 304(A) of IPC	Simple Imprisonment for 1 year
The aforesaid sentences were ordered to run concurrently.	

Aggrieved against the same, the petitioner had filed appeal in Crl.A.No.64 of 2021 and the learned Principal Sessions Judge, Tiruppur dated 20.01.2022 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/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.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent/State 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, exemption from surrendering and bail are granted on the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Uthukuli;



(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; and

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(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 appeal 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, these Criminal Miscellaneous Petitions are ordered.

-sd/-
21/03/2022

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 PRINCIPAL SESSIONS JUDGE,
TIRUPPUR.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHUKULI, TIRUPPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
KUNNATHUR POLICE STATION,
TIRUPPUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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

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+1C.C. to M/S. V.RAGHAVACHARI Advocate on payment of necessary
charges SR.No.3364

Order
in
CRL MP.NOs.2683&3758/2022
in
CRL.RC.268/2022
Date :21/03/2022

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CSK 23/03/2022