

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3336 of 2022

in

Crl.A.No.284 of 2022

Das @ Pragalathan

... petitioner

/versus/

State, represented by
The Deputy Superintendent of Police,
Gingee Police Sub Division,
Valathi Police Station,
Villupuram District.
(Cr.No.31/2017)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence passed by the District Mahalir Neethimandram (Mahila Fast Track Court), Villupuram in S.C.No.264 of 2017 dated 24.02.2022, convicting the appellant to undergo 7 years R.I and enlarge the petitioner on bail till the disposal of this case.

For petitioner	...	Mr. S.Saravanakumar
For Respondent	...	Mr.C.E.Pratap
		Govt. Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner/accused for the offence

punishable under Sections 498(A) IPC, Section 4 of Dowry Prohibition Act and 304(B) I.P.C., by the District Mahalir Neethimandram (Mahila Fast Track Court), Villupuram in S.C.No.264 of 2017 and enlarge him on bail pending disposal of the above Criminal Revision Case.

2. Totally there are three accused in S.C.No.264 of 2017, on the file of District Mahalir Neethimandram (Mahila Fast Track Court), Villupuram. The trial Court by its order dated 24.02.2022 acquitted the accused 2 and 3 from all the charges and convicted the petitioner/ the first accused and sentenced him, as follows:

<i>petitioners's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
First accused	Section 304 (B) I.P.C	To undergo Rigorous Imprisonment for 7 years
	Section 498(A) I.P.C. and Section 4 of Dowry Prohibition Act	The trial Court found the accused guilty under Section 498(A) I.P.C. and Section 4 of Dowry Prohibition Act. However, no separate sentence imposed on the petitioner by the trial Court

4. Aggrieved over the conviction and sentence imposed by the learned trial Judge, the petitioner has preferred the present Criminal Appeal along with the instant miscellaneous petition, seeking suspension of sentence and

bail.

5. The learned counsel for the petitioner/appellant submitted that there are arguable points in this appeal and the petitioner has a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Appeal.

6. The learned Government Advocate (Crl.Side) for the State objected to grant suspension of sentence.

7. The petitioner has raised substantial grounds in which requires detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a likesum to the satisfaction of the Judicial Magistrate, Gingee.

- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

23.12.2022

rpl

To

1. The District Mahalir Neethimandram (Mahila Fast Track Court), Villupuram.

2. The Judicial Magistrate, Gingee.

3. The Deputy Superintendent of Police,
Gingee Police Sub Division,
Valathi Police Station,
Villupuram District.

4. The Public Prosecutor
High Court, Madras.

V.SIVAGNANAM, J.

rpl

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