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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.3930 of 2022

in

Crl.R.C.No.386 of 2022

Lakshmanan

...Petitioner

Vs.

The State represented by
The Inspector of Police,
South All Women Police Station,
Tiruppur.
(Crime No.05 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 397(1) Cr.P.C., to suspend the sentence imposed on the petitioner made in the judgment dated 17.12.2021 made in Crl.A.No.49 of 2021 on the file of the Principal Sessions Judge, Tiruppur, confirming the judgment dated 30.07.2021 made in C.C.No.483 of 2019 on the file of the Additional Mahila Court, (Magisterial Level), Tiruppur.

For Petitioner : Mr.C.Prabakaran

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

O R D E R

This Criminal Miscellaneous Petition has been preferred by the petitioner/accused, seeking to suspend the sentence imposed upon him, by the judgment dated 17.12.2021 made in Crl.A.No.49 of 2021 on the file of the Principal Sessions Judge, Tiruppur, confirming the judgment dated 30.07.2021 made in C.C.No.483 of 2019 on the file of the Additional Mahila Court, (Magisterial Level), Tiruppur, and to enlarge him on bail, pending disposal of the appeal.

2. The petitioner, who is the accused in C.C.No.483 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court (Magisterial level), Tiruppur, and he was convicted for the offences under Sections 354(A)(1)(i) and 506(i) of IPC and sentenced as follows:-



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Offences	Sentence
Section 354(A) (1) (i) of IPC	Rigorous Imprisonment for three years along with fine of Rs.5,000/-, in default, to undergo further Simple Imprisonment for one month.
Section 506(i) of IPC	Rigorous Imprisonment for two years
The aforesaid sentences were ordered to run concurrently.	

Challenging the above conviction and sentence, the petitioner/accused filed appeal in C.A.No.49 of 2021 and the learned Principal Session Judge, Tiruppur, by order dated 17.12.2021 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. Heard Mr.C.Prabakaran, learned counsel for the petitioner/accused and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl. Side) appearing for the respondent/Police.

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. He would submit that the petitioner is ready to abide the condition imposed by this Court.

5. Heard the learned counsel appearing for the petitioner 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, 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 and bail are granted on the following conditions:

(a) the petitioner is ordered to be released on bail on 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 Additional Mahila Court (Magisterial level), Tiruppur;

(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



(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 they are not able to appear before the trial Court on any day, they 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.

10. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-
05/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE,
TIRUPPUR.

2 THE ADDITIONAL MAHILA COURT,
(MAGISTERIAL LEVEL), TIRUPPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE INSPECTOR OF POLICE,
SOUTH ALL WOMEN POLICE STATION,
TIRUPPUR.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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



+1 C.C. to MR.C.PRABAKARAN Advocate on payment of necessary charges SR.NO. 5181

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Order

in
CRL MP.3930/2022

in
Crl.R.C.No.386 of 2022

Date :05/04/2022

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RW 07/04/2022