



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.5233 of 2022

in Crl.RC.No.517 of 2022

Kumar

...Petitioner/Accused

Vs.

State rep. by
The Sub Inspector of Police,
Pennagarm Police Station,
Dharmapuri District
(crime No.65 of 2018)

... Respondent

PRAYER:

Criminal Miscellaneous Petition filed under Section 397(1) r/w 389(1) of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Dharmapuri in C.A.No.18 of 2019 dated 10.03.2020 by confirming the judgment and sentence passed in CC.No.101 of 2018 dated 26.06.2019 by the learned Judicial Magistrate, Pennagaram and enlarge the petitioner on bail pending disposal of Crl.RC.No.517 of 2022.

For Petitioner : Mr.V.Sakkarapani

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

O R D E R

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Dharmapuri in C.A.No.18 of 2019 dated 10.03.2020 by confirming the judgment and sentence passed in CC.No.101 of 2018 dated 26.06.2019 by the learned Judicial Magistrate, Pennagaram and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in CC.No.101 of 2018 on the file of the learned Judicial Magistrate, Pennagaram. He was found guilty of the offence under Section 326 of IPC and he has been convicted and sentenced to undergo simple imprisonment for a period of one year and to pay a fine amount of Rs.2,000/-, in default to undergo simple imprisonment for a period of one month. Aggrieved



against the same, the petitioner had filed appeal in C.A.No.18 of 2019 and the learned Principal Sessions Judge, Dharmapuri by order dated 10.03.2020 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision in CrI.RC.No.517 of 2022 has been filed along with the instant miscellaneous petition seeking suspension of sentence and bail.

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.

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

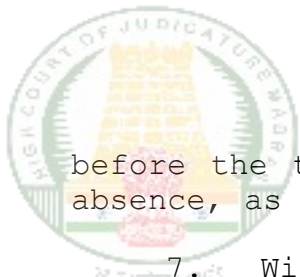
5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

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 and bail are granted on the following conditions:

(a) The petitioner/accused 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 Judicial Magistrate, Pennagaram

(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.

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

-sd/-

20/04/2022

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,
PENNAGARAM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PRINCIPAL SESSIONS JUDGE, DHARMAPURI

4 THE SUB INSPECTOR OF POLICE
PENNAGARAM POLICE STATION,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

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

C.C. to M/S V.SAKKARAPANI Advocate on payment of necessary charges

Order

in

CRL MP.5233/2022

in Crl.RC.No.517 of 2022

Date :20/04/2022

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

RVR 21/04/2022