



Crl.MP.No.6395 of 2021 in Crl.RC.No.398 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.6395 of 2021

in

Crl.RC.No.398 of 2021

Mariyappan

... Petitioner

Vs.

1.State by Special Sub Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District,
(Crime No.4 of 2015)

2.Senthil

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence dated 24.02.2020 made in C.A.No.1 of 2019 on the file of the learned Principal District and Sessions Judge, Thiruvarur, Thiruvarur District whereby partly allowing the Appeal and thereby setting aside acquittal of the trial Court in C.C.No.55 of 2015 on the file of the learned Judicial Magistrate No.2, Mannargudi, Thiruvarur District



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by Judgment dated 01.03.2018 till the disposal of the accompanying revision petition filed along with the revision petition.

For Petitioner : Mr.M.Venkatesh

For Respondent : Mr.V.Meganathan
Government Advocate (Crl. Side)

* * * * *

ORDER

This Criminal Miscellaneous Petition has been filed to enlarge the petitioner on bail by suspending the sentence imposed vide Judgment dated 24.02.2020 passed in C.A.No.1 of 2019 by the learned Principal District and Sessions Judge, Thiruvarur, Thiruvarur District and thereby setting aside the acquittal of the trial Court vide Judgment dated 01.03.2018 passed in C.C.No.55 of 2015 by the learned Judicial Magistrate No.2, Mannargudi, Thiruvarur District.

2.The Trial Court by Judgment dated 01.03.2018, acquitted the petitioner for the offences under Sections 294(b), 323, 325, 506(2) IPC. Aggrieved over the same, the second respondent herein/defacto complainant had preferred an appeal in C.A.No.1 of 2019 before the Principal District



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and Sessions Judge, Thiruvarur, Thiruvarur District. The learned Principal District and Sessions Judge, Thiruvarur, Thiruvarur District, by Judgment dated 24.02.2020, had partly allowed the appeal, convicted the petitioner/accused for the offence punishable under Sections 294 (b) and 325 IPC and sentenced him to undergo simple imprisonment for two weeks for the offence under Section 294(b) IPC and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months simple imprisonment for the offence under Section 325 of IPC.

3.Challenging the conviction and sentence slapped by the Trial Court, and the first appellate Court, the petitioner is before this Court.

4.The learned counsel for the petitioner submitted that there are arguable points in this Revision and hence, prayed for suspension of sentence.



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5.I have perused the impugned judgments and the materials on record.

6.Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i)The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his *executing 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 - II, Mannargudi, Thiruvarur District.*



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

(iii)The petitioner shall appear before the Trial Court, as and when required.

16.12.2022
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To

- 1.The Principal District and Sessions Judge,
Thiruvarur,
Thiruvarur District.
- 2.The Judicial Magistrate - II,
Mannargudi,
Thiruvarur District.
- 3.The Special Sub Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.
- 4.The Public Prosecutor,
Madras High Court.

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V.SIVAGNANAM, J.,

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