



Crl.M.P.No.8529 of 2022 in Crl.R.C.No.839 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8529 of 2022 in Crl.R.C.No.839 of 2022

M.Govindaraj, Male, 52 years,
S/o.Monasamy

... Petitioner

-Versus-

The State of Tamil Nadu,
Rep. By Inspector of Police,
Sulur Police Station,
Coimbatore District.
[Crime No.519 of 2015)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of the Code of Criminal Procedure praying to suspend the substantive sentence imposed on the petitioner by the learned Judicial Magistrate, Sulur, Coimbatore District, by judgment dated 21.03.2018 in C.C.No.113 of 2017 as confirmed by the learned V Additional District and Sessions Judge, Coimbatore, by judgment dated 04.10.2019 in C.A.No.137 of 2018, and enlarge the petitioner on bail pending disposal of the criminal revision petition.

For Revision Petitioner: Mr.M.N.Balakrishnan

For Respondent / State : Mr.S.Vinoth Kumar, GA (Crl. Side)

ORDER



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This Criminal Miscellaneous Petition is filed seeking to suspend the substantive sentence imposed on the petitioner by the learned Judicial Magistrate, Sulur, Coimbatore District, by judgment dated 21.03.2018 in C.C.No.113 of 2017 as confirmed by the learned V Additional District and Sessions Judge, Coimbatore, by judgment dated 04.10.2019 in C.A.No.137 of 2018 and enlarge the petitioner on bail pending disposal of the criminal revision petition.

2. Heard both sides.

3. The petitioner was convicted by the trial court for offence under Section 279, 338 and 304(A) of IPC and sentenced to pay a fine of Rs.500/- for offence under Section 279 of IPC in default to suffer simple imprisonment for one week ; to pay a fine of Rs.500/- for offence under Section 338 of IPC in default to suffer simple imprisonment for one week; and to undergo simple imprisonment for one year and to pay a fine of Rs.5,000/- for offence under section 304(A) of IPC in default to suffer simple imprisonment for three months which was confirmed by the appellate court.



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4. Earlier, this court, by order dated 04.07.2022, dismissed the application filed by the petitioner in Crl.M.P.No.8525 of 2022 filed along with the Criminal Revision seeking to exempt him from surrendering in C.C.No.113 of 2017 on the file of the learned Judicial Magistrate, Sulur, pursuant to the judgment dated 04.10.2019 passed by the learned V Additional Sessions Judge, Coimbatore, in Crl.A.No.137 of 2018 confirming the conviction and sentence imposed by the trial court.

5. It is represented that the petitioner had surrendered before the trial court.

6. Considering the nature of the conviction, period of sentence imposed and the nature of the allegations, I am of the view that this is a fit case for the grant of suspension of sentence pending disposal of the criminal revision petition on the following conditions:-

(a) the petitioner 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 Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may



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obtain a copy of their Aadhar 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 Criminal Revision and if he not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of 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.

This Criminal Miscellaneous Petition is ordered accordingly.

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Index : yes/no

Speaking order/Non-speaking order

kmk

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- 1.The V Additional District and Sessions Judge, Coimbatore,
- 2.The Judicial Magistrate, Sulur, Coimbatore District.
- 3.The Inspector of Police, Sulur Police Station, Coimbatore District.



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D.BHARATHA CHAKRAVARTHY. J.,

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