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Crl.M.P.No.8256 of 2022 in Crl.R.C.NO.408 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8256 of 2022 in Crl.R.C.No.408 of 2022

Sai Raja

... Petitioner

-Versus-

The State of Tamil Nadu,
Rep. By Inspector of Police,
Kunnathur Police Staiton.
[Crime No.14 of 2016]

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of the Code of Criminal Procedure praying to suspend the substantive sentence imposed on the petitioner in C.C.No.33 of 2016 by the learned Judicial Magistrate, Avinasi, by judgement dated 19.04.2018 and as confirmed by the learned Principal Sessions Judge, Tirupur, in C.A.No.50 of 2018 by judgement dated 24.01.2022 and enlarge the petitioner on bail pending disposal of the criminal revision petition.

For Revision Petitioner : Ms.M.Abinu Monisha
for Mr.A.V.Arun

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



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ORDER

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This Criminal Miscellaneous Petition is filed seeking to suspend the substantive sentence imposed on the petitioner in C.C.No.33 of 2016 by the learned Judicial Magistrate, Avinasi, by judgement dated 19.04.2018 and as confirmed by the learned Principal Sessions Judge, Tirupur, in C.A.No.50 of 2018 by judgement dated 24.01.2022 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 392 of IPC and sentenced to undergo rigorous imprisonment for 1 year and to pay a fine of Rs.100/- in default of payment of fine to suffer simple imprisonment for a further period of one week which was confirmed by the appellate court.

4. Earlier, this court, by order dated 13.04.2022, dismissed the application filed by the petitioner in Crl.M.P.No.4146 of 2022 filed along with the Criminal Revision seeking to exempt him from surrendering in C.C.No.33 of 2016 on the file of the learned Judicial Magistrate, Avinasi, pursuant to the judgement dated 04.10.2019 passed by the learned Principal Sessions Judge, Tirupur, in Crl.A.No.50 of 2018 confirming the conviction and sentence imposed by the trial



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5. The learned counsel appearing on behalf of the petitioner submitted that the petitioner had surrendered before the trial court on 07.07.2022.

6. Considering the period of sentence imposed as rigorous imprisonment for one year, this is a fit case for the grant of suspension of sentence and enlarging the petitioner on bail pending disposal of criminal revision case, on conditions.

7. This Miscellaneous Petition is ordered and the substantive sentence of imprisonment imposed on the petitioner is suspended and the petitioner is enlarged on bail 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 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



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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.

(d) if the petitioner subsequently gets involved in any other offences hereafter, the order of suspension of sentence and the bail will be reviewed on the application by the respondent and the petitioner will be committed back to the prison to undergo the imprisonment for the unserved part of the sentence.

This Criminal Miscellaneous Petition is ordered accordingly.

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Index : yes/no
Speaking order/Non-speaking order
kmk

To

- 1.The Principal Sessions Judge, Tirupur, Tirupur District
2. The Judicial Magistrate, Avinasi,Tirupur District.
- 3.The Inspector of Police, Sulur Police Station, Coimbatore District.

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D.BHARATHA CHAKRAVARTHY. J.,

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