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Crl.M.P.No.7945 of 2022 in Crl.R.C.SR.No.9319 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.7945 of 2022
in
Crl.R.C.SR.No.9319 of 2021

Indrajith, (Aged 58 years),
S/o. Krishnamoorthy

... Petitioner

Versus

The State,
by S.H.O. Managalapet Police Station,
Virudhachalam.
(Crime No.148 of 2006)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 397 (1) of the Code of Criminal Procedure, pleased to order suspension of sentence imposed by the Learned III Additional District and Sessions Judge, Cuddalore camp at Virudhachalam, in C.A.No.12 of 2020, dated 08.01.2021, to enlarge the petitioner on bail, pending the Criminal Revision.

For Petitioner : Mr. N. Suresh

For Respondents : Mr. S. Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed by the Learned III Additional District and Sessions Judge, Cuddalore camp at Virudhachalam, in C.A.No.12 of 2020, dated 08.01.2021, to enlarge the petitioner on bail, pending the Criminal Revision.

2.Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3.Today, when the matter came up for hearing, it is represented by the learned Counsel for the petitioner that the petitioner has surrender before the Judicial Magistrate No.II, Virudhachalam, on 18.07.2022 and now, he is in Central Prison, Cuddalore and prays for suspending the sentence.

4.Per contra, the learned Government Advocate (Crl.Side) would submit that the Trial Court has rightly convicted the petitioner and opposed for granting the suspension of sentence to the petitioner.



5.I have considered the rival submissions made on either side and perused the materials on record.

6.Considering the nature of the allegations and the sentence imposed for the offence under Sections 279, 304A, 337 and 338 of IPC, and considering the facts and circumstances of the case, I am of the view that this is a fit case for grant of suspension of sentence, pending the above revision. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner 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 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 Case and if he is not able to appear before the Trial Court on any day, he shall



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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.

7. This Criminal Miscellaneous Petition is ordered accordingly.

12.08.2022

Index : yes/no

Speaking order/Non-speaking order

klt

To

- 1.The III Additional District and Sessions Judge, Cuddalore camp at Virudhachalam.
- 2.The S.H.O. Managalapet Police Station, Virudhachalam.
- 3.The Public Prosecutor, Madras High Court.
- 4.The Superintendent, Central Prison, Cuddalore.



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D.BHARATHA CHAKRAVARTHY. J.,

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