



Crl.M.P.No.10427 of 2022 in Crl.R.C.No.1002 of 2022 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.10427 of 2022

in

Crl.R.C.No.1002 of 2022

Rajagopal

... petitioner

/versus/

State, represented by  
The Inspector of Police,  
Vedaraniyam Police Station,  
Vedaraniyam,  
Nagapattinam District  
(Cr.No.357/2010)

.. Respondent

**Prayer** : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the judgment made in Crl.A.No.42 of 2019 on the file of the Principal District and Sessions Court, Nagapattinam dated 29.03.2022, confirming the judgment in S.C.No.176 of 2013 on the file of the Assistant Sessions Court, Nagapattinam dated 09.07.2019 and enlarge the petitioner on bail.

For petitioner

... Mr. A.Sundaravadhanan

For Respondent

... Mr.V.Meganathan,  
Govt. Advocate (Crl.Side)



**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner/accused for the offences punishable under Sections 294(b) & 307 IPC by the District Munsif cum Judicial Magistrate, Vedharanyam in S.C.No.176/2013 and enlarge him on bail pending disposal of the above Criminal Revision Case.

2. The petitioner who is the sole accused in S.C.No.176 of 2013 was convicted and sentenced by the Assistant Sessions Judge, Nagapattinam as follows:

| <i><b>petitioners's Rank</b></i> | <i><b>Provision under which convicted</b></i> | <i><b>Sentence</b></i>                                                                                                              |
|----------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| sole accused                     | Section 294(b) IPC                            | To pay fine of Rs.500/-, in default one month Simple Imprisonment                                                                   |
|                                  | Section 307 IPC                               | To undergo Rigorous Imprisonment for 5 years and also pay a fine of Rs.5,000/-, in default undergo Simple Imprisonment for 3 months |

The Trial Court ordered the sentence to run concurrently and also ordered to set-off under section 428 Cr.P.C.

3. Aggrieved by the said conviction and sentence, the petitioner has



preferred an appeal in C.A.No.42 of 2019 before the Principal District and Sessions Court, Nagapattinam. The appellate Court also confirmed the conviction and sentence passed by the trial Court.

4. Aggrieved over the same, the petitioner has preferred the present Criminal Revision Case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

5. The learned counsel for the petitioner would submit that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision . Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Revision Case.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision Case, 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 a period of 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 District Munsif cum Judicial Magistrate Court, Vedaranyam*

(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.

20.12.2022  
2/2

rpl

To

1. The District Munsif cum Judicial Magistrate Court, Vedaranyam.
2. The Inspector of Police,  
Vedaraniyam Police Station,  
Vedaraniyam,  
Nagapattinam District.
3. The Public Prosecutor  
High Court, Madras.

**V.SIVAGNANAM, J.**



WEB COPY



Crl.M.P.No.10427 of 2022 in Crl.R.C.No.1002 of 2022 of 20--

rpl

**Crl.M.P.No.10427 of 2022**  
**in**  
**Crl.R.C.No.1002 of 2022 of 2022**

20.12.2022