



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.12759 of 2021

in

Crl.R.C.No.932 of 2021

Thomas Arun Prasath

... Petitioner

Vs.

The Inspector of Police,
Palladam Police Station,
Palladam,
Tiruppur District.
(Crime No.381 of 2013)

... Respondent

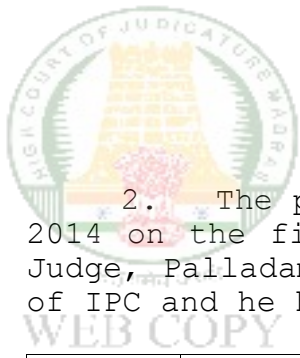
PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Tiruppur by its judgment and conviction dated 18.06.2021 made in C.A.No.89 of 2018 confirming the judgment and conviction made in S.C.No.148 of 2013 on the file of the learned Subordinate Judge/Assistant Sessions Judge, Palladam, by its judgment dated 13.08.2018, pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.E.Felix Parthiban

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed by the learned Principal Sessions Judge, Tiruppur, in C.A.No.89 of 2017 dated 18.06.2021, by confirming the judgment and sentence passed in S.C.No.148 of 2013 dated 13.08.2018 by the learned Subordinate Judge/Assistant Sessions Judge, Palladam, and enlarge the petitioner on bail pending disposal of the above revision petition.



2. The petitioner herein is the second accused in C.C.No.148 of 2014 on the file of the learned Subordinate Judge/Assistant Sessions Judge, Palladam. He was found guilty of the offence under Section 397 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	397 of IPC	to undergo simple imprisonment for a period of five years and to pay fine of Rs.5,000/- in default to undergo a simple imprisonment for a period of three months.

Aggrieved against the same, the petitioner had filed appeal in C.A.No.89 of 2018 and the learned Principal Session Judge, Tiruppur, by an order dated 18.06.2021, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/accused may be suspended. He further submits that the conviction awarded to the co-accused is suspended by this Court, by an order dated 12.04.2022 made in CrI.M.P.No.362 of 2022 in CrI.R.C.No.39 of 2022. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case coupled with the fact that the petitioner is in incarceration from 18.06.2021 and also the sentence awarded to the co-accused is suspended by this Court in CrI.M.P.No.362 of 2022, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) appearing for the respondent police, further this revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.



Accordingly, till the disposal of the Criminal Revision case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner/accused 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 learned Judicial Magistrate, Palladam.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the 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 day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 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. With the above directions, this Criminal Miscellaneous Petition is ordered

-sd/-
22/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE
TIRUPPUR



2 THE SUBORDINATE JUDGE
ASSISTANT SESSIONS JUDGE, PALLADAM.

3 THE JUDICIAL MAGISTRATE,
PALLADAM.

4 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT [FOR INFORMATION]

5 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION, PALLADAM,
TIRUPPUR DISTRICT.

6 THE OFFICER INCHARGE
SUB JAIL, DHARAPURAM.

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. M. VIJI Advocate on payment of necessary charges
SR.NO.6105

Order
in
CRL MP.12759/2021
in
CRL RC.932/2021

Date :22/04/2022

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JPA 25/04/2022