



Crl.M.P.No.18205 of 2022 in Crl.R.C.No.1529 of 2022

Crl.M.P.No.18205 of 2022 in
Crl.R.C.No.1529 of 2022

V.SIVAGNANAM, J

Today the matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner, who submitted that, this Court, by its order dated 05.12.2022, granted the petitioner the relief of suspension of sentence on one of the conditions that the petitioner shall surrender before the trial court within 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 own bond for a sum of Rs.10,000/- to the satisfaction of the trial court.

2. He would further submit that the petitioner is now confined at Central Prizon, Puzhal, but inadvertently, in the abovesaid order, in 'condition (i)', it has been stated that the petitioner has to surrender before the trial court within two weeks from the date of receipt of copy of this order and on such surrender, he shall be released on bail on executing his own bond for a sum of Rs.10,000/- to the satisfaction of trial court', instead of *'the petitioner is ordered to be released on bail on his executing an own bond for a sum of Rs.10,000/- for a sum of Rs.10,000/- to the satisfaction of*



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the trial court'. Thus, he prayed for appropriate direction.

3. Heard the learned counsel for the petitioner.

4. The condition (i) imposed in Crl.M.P.No.18205 of 2022 in Crl.R.C.No.1529 of 2022, dated 05.12.2022 is hereby deleted and instead of that, the following condition shall inserted.

'(i) The petitioner is ordered to be released on bail on his executing an own bond for a sum of Rs.10,000/- (rupees ten thousand only) to the satisfaction of the trial court.'

5. Except the above condition (i), the other conditions imposed in Crl.M.P.No.18205 of 2022 in Crl.R.C.No.1529 of 2022, dated 05.12.2022 shall remain unaltered.

08.12.2022

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Note: The Registry is directed to issue order copy afresh, after making necessary deletions and insertions as stated above.



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This petition has been filed to suspend the sentence imposed on the petitioner, by judgement dated 27.03.2017 passed in C.C.No.1607 of 2009 on the file of Judicial Magistrate, Alandur, which was confirmed by the judgement dated 16.11.2021 passed in C.A.No.38 of 2017 on the file Principal District and Session Judge, Kancheepuram, pending disposal of the revision petition.

2. It is the case of the petitioner that he had not received any jewels and money from the de-facto complainant as alleged by her and the Ex.P2 promissory note was not supported by any consideration. It is the further case of the petitioner that no independent witness was examined to support the prosecution case and there are contradictions in the materials produced by the prosecution.



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3.The Petitioner was convicted by the Trial Court for an offence under Section 420 of Indian Penal Code and sentenced to undergo three years Simple Imprisonment and to pay a sum of Rs.10,00,000/- as compensation to the de-facto complainant, in default, to undergo further period of six months Simple Imprisonment. However, he was acquitted from the offences under Sections 417 and 506(i) IPC. The above judgment of conviction and sentence was confirmed by the First Appellate Court. Challenging the conviction and sentence slapped by the Trial Court and First Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in the revision petition and hence, prayed for suspension of sentence and exemption from surrender.

5. The petitioner was sentenced for a fixed period of three years. The petitioner has raised substantial grounds in the revision petition which require detailed appraisal. Further, the revision petition is not likely to be taken up in the near future. In such view of the matter, this Court is of the



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view that the petitioner is entitled to the relief of suspension of sentence.

6. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:

(i) The petitioner shall surrender before the Trial Court within 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 own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the Trial Court.

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the revision petition and if he is not able to appear before the Trial Court on any such day, he shall make arrangements to file an application under Section 317 Cr.P.C. and



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shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

05.12.2022

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Note : Issue Order Copy today (06.12.2022)

To

1. The Principal District and Sessions Judge,
Kancheepuram.
2. The Judicial Magistrate, Alandur.



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