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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.12920 of 2021

in

Crl.RC.No.959 of 2021

Krishnamurthy

...Petitioner

Vs.

The State rep by
The Sub Inspector of Police,
Salem District,
Crime No.235/2013

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 397(1) of Cr.P.C to suspend the sentence of imprisonment imposed in the judgment dated 26.06.2020 made in Crl.A.No.226 of 2019 on the file of the learned Principal Sessions Judge, Salem confirming the conviction and sentence imposed in judgment dated 23.10.2019 in S.C.No.287 of 2016 on the file of the Assistant Sessions Judge, Omalur and release the petitioner on bail pending disposal of the above criminal Revision Petition.

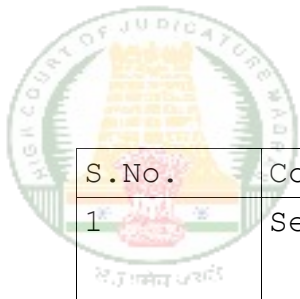
For Petitioner : Mr.A.Padmanabhan

For Respondent : MR.LEONARD ARUL JOSEPH SELVAM,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed by the learned Principal Session Judge, Salem, in C.A.No.226 of 2019 dated 26.06.2020, by confirming the judgment and sentence passed in S.C.No.287 of 2016 dated 23.10.2019 by the learned Assistant Sessions Judge, Omalur, and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in S.C.No.287 of 2016 on the file of the learned Assistant Sessions Judge, Omalur. He was found guilty of the offence under Section 452, 394 r/w 397 of IPC and he has been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1.	Section 452 of IPC	to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- in default to undergo a simple imprisonment for a period of two months.
2.	Section 394 r/w 397 of IPC	to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.10,000/- in default to undergo a simple imprisonment for a period of six months.

Aggrieved against the same, the petitioner had filed appeal in C.A.No.226 of 2019 and the learned Principal Session Judge, Salem, by an order dated 26.06.2020, 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 would submit that the petitioner is ready to abide the condition imposed by this Court. He further submits that the petitioner was inside the jail from the date of judgment and there is no bad antecedent reported against the petitioner.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner, 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 Assistant Sessions Judge, Omalur.

(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.

6. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-

28/03/2022

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, SALEM.

2 THE ASSISTANT SESSIONS JUDGE, OMALUR

3 SUB INSPECTOR OF POLICE
OMALUR POLICE STATION, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECTION OFFICER, CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S. A.PADMANABHAN Advocate on payment of necessary charges Sr.4620

Order

in CRL MP.12920/2021

in CrI.RC.No.959 of 2021

Date :28/03/2022

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

RVR 30/03/2022