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Crl.O.P.No.25065 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P. No.25065 of 2022

Premkumar

... Petitioner

Vs.

State rep.by
The Inspector of Police
Belukurichi Police Station
Namakkal
Crime No.3 of 2019.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 21.09.2022 made in Crl.MP.No.1815 of 2022 in Crl.A.No.70 of 2022 on the file of the learned Principal Sessions Judge, Namakkal and enlarge the petitioner on bail.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)



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ORDER

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This criminal original petition has been filed to set aside the order dated 21.09.2022 made in Crl.MP.No.1815 of 2022 in Crl.A.No.70 of 2022 on the file of the learned Principal Sessions Judge, Namakkal and enlarge the petitioner on bail

2. The learned counsel for the petitioner submitted that the petitioner is an accused/A2 in C.C.No.26 of 2021, on the file of the learned Judicial Magistrate, Sendamangalam. The accused was prosecuted by the respondent police for the offences under Sections 454 & 380 of IPC. The trial Court convicted the petitioner/accused on 07.09.2022 thereafter filed an appeal in C.A.No.70 of 2022 before the Principal Sessions Court, Namakkal and also filed a petition in Crl.MP.No.1815 of 2022 for suspension of sentence and the said petition was dismissed by the trial Court. Aggrieved by the same the petitioner has preferred the present petition. He further submitted that the petitioner is ready to obey any condition imposed by this Court and therefore seeking to suspend the sentence imposed by the trial Court.



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3. The learned Government Advocate (Crl.side) submitted that the petitioner/accused has submitted that the accused is having 14 previous cases of similar nature of offence in various police stations and hence objected for suspension of sentence imposed by the trial Court.

4. Heard both sides and perused the materials available on record.

5. On perusal of the record it reveals that the petitioner is an accused/A2 in C.C.No.26 of 2021, on the file of the learned Judicial Magistrate, Sendamangalam. The accused was prosecuted by the respondent police for having committed offence under Sections 454 & 380 of IPC and the trial Court convicted the petitioner/accused on 07.09.2022 and imposed sentence for three years Simple Imprisonment and fine of Rs.2000/- in default to undergo Simple Imprisonment for 3 months and the sentences are ordered to run concurrently. Aggrieved over the same, the petitioner preferred an appeal and filed C.A.No.70 of 2022 which is now pending before the Principal Sessions Court, Namakkal and also filed a petition in Crl.MP.No.1815 of 2022 for suspension of sentence and the said petition was



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dismissed by the trial Court. Admittedly there are fourteen previous cases of similar nature of offence in various police stations against the petitioner and the same are pending.

6. Considering the nature and gravity of the offence and pendency of 14 previous cases, I find no merits for suspension of sentence imposed by the trial Court. There is no reason to interfere with the order passed by the trial Court and the appellate Court. Accordingly the criminal original petition stand dismissed and the learned Principal Sessions Judge, Namakkal is hereby directed to dispose of the appeal within a period of three months from the date of receipt of a copy of the order.

26.10.2022

Index : Yes/No
Speaking/Non speaking order
dpq



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To

1. The Inspector of Police
Belukurichi Police Station
Namakkal

2. The learned Principal Sessions Judge,
Namakkal

3. The Public Prosecutor,
High Court of Madras.



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V. SIVAGNANAM, J.

dpq

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