



Crl.O.P.No.25063 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.25063 of 2022

Kettiyan @ Pandiyan @ Rajan

... Petitioner

Vs.

State rep.by
The Inspector of Police
Mohanur Police Station,
Namakkal,
Crime No.577 of 2017

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 16.09.2022 made in Crl.MP.No.1793 of 2022 in Crl.A.No.67 of 2022 on the file of the 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 16.09.2022 made in Crl.MP.No.1793 of 2022 in Crl.A.No.67 of 2022 on the file of the Principal Sessions Court, Namakkal and enlarge the petitioner on bail.

2. The learned counsel for the petitioner submitted that the petitioner is an accused/A1 in C.C.No.116 of 2018, on the file of the learned Judicial Magistrate No.II, Namakkal. The accused was prosecuted by the respondent police for the offences under Sections 392 r/w 34 and 506(ii) of IPC. The trial Court convicted the petitioner/accused on 17.08.2022 thereafter filed an appeal in C.A.No.67 of 2022 before the Principal Sessions Court, Namakkal and also filed a petition in Crl.MP.No.1793 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) appearing for the respondent submitted that the petitioner is having 10 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/A1 in C.C.No.116 of 2018, on the file of the learned Judicial Magistrate No.II, Namakkal. The accused was prosecuted by the respondent police for having committed offence under Sections 392 r/w 34 and 506(ii) of IPC and the trial Court convicted the petitioner/accused on 17.08.2022 and imposed sentence for three years Rigorous Imprisonment and fine of Rs.1000/- in default to undergo Simple Imprisonment for 3 months for the offence under Section 392 r/w 34 of IPC and also ordered Rigorous Imprisonment for three years for the offence under Section 506(ii) of IPC. Aggrieved over the same, the petitioner preferred an appeal and filed C.A.No.67 of 2022, which is now pending before the Principal Sessions



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Court, Namakkal and also filed a petition in Crl.MP.No.1793 of 2022 for suspension of sentence and the said petition was dismissed by the trial Court.

Admittedly there are ten 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 10 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.

7. 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
Mohanur Police Station,
Namakkal.
2. The Principal Sessions Judge,
Namakkal.
3. The learned Judicial Magistrate No.II,
Namakkal.
4. The Public Prosecutor,
High Court of Madras.



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V. SIVAGNANAM, J.

dpq

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