



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.M.P.No.16470 of 2022

in

Crl.R.C.No.937 of 2013

P.Aruchamy,
S/o.Palani Gounder.

.. Petitioner

Vs.

1.Selvakumari

2.State by,
The Public Prosecutor,
Coimbatore.

.. Respondents

PRAYER: Criminal Original Petition has been filed under Section 397(1) of Cr.P.C praying to suspend the sentence of imprisonment imposed on the petitioner in C.A.No.66 of 2012 on the file of the IV Additional District and Sessions Court, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition Crl.R.C.No.937 of 2013 before this Hon'ble Court.

For Petitioner	: Mr.T.Balaji
For Respondent	: Mr.N.S.Suganthan, Government Advocate (Criminal side)



ORDER

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The petitioner herein, who is the revision petitioner in CrI.R.C.No.937 of 2013, was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment for the offences under Section 494 IPC. Thereafter, he got suspension of sentence on preferring the revision and enjoying the same.

2. When the revision petition was taken up for final hearing, the learned counsel for the petitioner was not ready. Hence, this Court canceled the order of suspension of sentence and directed the police to secure the petitioner and commit him to prison.

3. Pursuant to the above said order dated 27.10.2022, it appears that the petitioner was taken into custody on 29.10.2022 and committed to prison on the same day.



4. The petitioner, engaging a new counsel, has filed this miscellaneous petition seeking suspension of sentence on the ground that the petitioner and the *de facto* complainant has already entered into compromise and due to communication gap, the same was not reported to his Court which has led to cancellation of the order suspending the sentence. Hence, the learned counsel for the petitioner seeks for bail pending disposal of the criminal revision, which is in fact posted on 03.11.2022 for further proceedings.

5. Taking into consideration the facts found in this petition, this Court is of the view that the sentence be suspended and petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.VII, Coimbatore;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned



Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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01.11.2022

nsa

Note: *Issue Order Copy today (01.11.2022).*

To

- 1.The Judicial Magistrate VII,
Coimbatore.
- 2.The Superintendent of Prison,
Central Prison, Coimbatore.
- 3.The Public Prosecutor,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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