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Crl.MP.No.18760 of 2022 in Crl.A.No.1242 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.18760 of 2022

in

Crl.A.No.1242 of 2022

Saravanan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
E-3, Teynampet Police Station,
Chennai - 18.
(Cr.No.7 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to stay the sentence imposed by the Hon'ble V Additional Sessions Judge, Chennai in Sessions Case No.92 of 2016 and enlarge the petitioner on bail pending disposal of the abovesaid criminal appeal.

For Petitioner : Mr. J. William Shakesphere

For Respondent : Mr. C.E.Pratap,
Gov. Advocate (Crl.Side)



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ORDER

The petitioner, who is accused in S.C.No.92 of 2016 on the file of the V Additional Sessions Court, City Civil Court, Chennai, seeks suspension of his sentence of imprisonment.

2. Trial Court, by judgment dated 18.10.2022, acquitted the petitioner/accused for the offence punishable under Sections 341, 294(b) & 506(ii) of IPC and convicted the petitioner for the offence under Section 307 (later part) of IPC and sentenced him to undergo seven years of Rigorous Imprisonment and to pay a fine of Rs.1000/-, in default, to undergo Simple Imprisonment for one month.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this appeal. He further submitted that already the



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petitioner paid the fine amount and now, he is in custody and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. On perusal of records, it is seen that the petitioner alleged to have wrongfully confined the husband of the defacto complainant, abused him in filthy language and assaulted him with a knife, thereby attempted to commit murder and also criminally intimidated him.

7. Taking into consideration of the submission made by the learned counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

8. Accordingly, it is ordered as follows.



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(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that 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 V Additional Sessions Court, City Civil Court, Chennai.*

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

(iii) The petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the Criminal Appeal.

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To

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1. The V Additional Sessions Judge, City Civil Court, Chennai
2. The Central Prison-I, Puzhal, Chennai
3. The Inspector of Police,
E-3, Teynampet Police Station,
Chennai - 18.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

mrp

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12.12.2022

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