



Crl.MP.No.18752 of 2022 in CRL.A.No.1240 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.18752 of 2022

in

Crl.A.No.1240 of 2022

Vignesh

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Ulundurpet,
Villupuram District,
(Cr.No.17 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the execution of sentence of imprisonment till the disposal of the appeal and enlarge the petitioner/accused on bail pending criminal appeal.

For Petitioner : Mr.R.Vijayakumar

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

ORDER



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The petitioner, who is accused in S.C.No.17 of 2021 on the file of the Mahila Court (Fast Track Curt), Villupuram, seeks suspension of his sentence of imprisonment.

2. Trial Court, by judgment dated 23.09.2022, convicted the petitioner/accused for the offence punishable under Sections 375 r/w. 90 / 376 and 417 IP and sentenced him as under:

Conviction under Section	Sentence
376 IPC	Rigorous imprisonment for ten years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for 3 months each.
417 IPC	Rigorous imprisonment for One year 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.



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

5. Taking into consideration of the above submission of 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.

6. 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 Mahila Court (Fast Track Court), Villupuram.*

(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.

12.12.2022
(2/2)

mrp

To

1. The Sessions Judge, Mahila Court (Fast Track Court), Villupuram

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2. The Central Prison, Cuddalore .

3. The Inspector of Police,
All Women Police Station,
Ulundurpet,
Villupuram District.

4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

mrp

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