



Crl.M.P.No.18966 of 2022 in Crl.A.No.1261 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.18966 of 2022

in

Crl.A.No.1261 of 2022

Kolanjirajan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai Post, Nagapattinam District.
(Crime No.940 of 2014)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) & 3 Cr.P.C. to suspend the sentence made in Sessions Case No.36 of 2018 on the file of the Additional District and Sessions Judge, Mayiladuthurai dated 28.09.2022 and grant bail to the petitioner/Appellant/Sole Accused, pending disposal of Criminal Appeal.

For Petitioner

: Mr.D.Veerasekaran

For Respondent

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



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ORDER

The petitioner, who is accused in S.C.No.36 of 2018 on the file of the Additional District and Sessions Judge, Mayiladuthurai, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by judgment dated 28.09.2022 in S.C.No.36 of 2018, convicted the petitioner/accused for the offence punishable under Sections 294(b), 352, 506(i) IPC and Section 3(1) of TNPPDL Act and sentenced him as under:

Conviction under Section	Sentence
294(b) IPC	To pay a fine of Rs.1,000/-, in default, to undergo Rigorous imprisonment for one month
352 IPC	Rigorous imprisonment for two months.
506(i) IPC	Rigorous imprisonment for one year
3(1) TNPPDL Act	Rigorous imprisonment for four years and to pay a fine of Rs.2,000/-, in default, to undergo further period of one month

3. Challenging the conviction and sentence slapped by the Trial



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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 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. It is seen from the records that the petitioner abused the de-facto complainant in filthy language, assaulted her with hand and criminally intimidated her and also damaged her Pushing Cart. It is the case of the petitioner that there are lot of contradictions among the prosecution witness and the witnesses examined by the prosecution are relatives to the victim.

7. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has



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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.

(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 learned Judicial Magistrate No.1, Mayiladuthurai.***

(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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Note: Issue order copy on 14.12.2022
mst

To

1. The Additional District and Sessions Judge, Mayiladuthurai.
2. The Judicial Magistrate No.1, Mayiladuthurai.
3. The Central Prison, Trichy .
4. The The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai Post, Nagapattinam District
5. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

mst

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