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Crl.M.P.No.18931 of 2022 in Crl.RC.No.1567 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.18931 of 2022

in

Crl.RC.No.1567 of 2022

Venkatachalamoorthy

... Petitioner

/vs/

State, represented by
the Inspector of Police,
Kadathur Police Station,
Gobichettipalayam

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) r/w.482 of Cr.P.C., to suspend the sentence of one year rigorous imprisonment imposed upon the petitioner by judgment dated 17.10.2022 made in C.A.No.81 of 2021, on the file of III Additional District and Sessions Judge, Gobichettipalayam, confirming the sentence of one year rigorous imprisonment imposed upon the petitioner by judgment dated 10.03.2021 made in C.C.No.112 of 2014 on the file of Judicial Magistrate No.2, Gobichettipalayam, pending disposal of the above Criminal Revision Case.

For Petitioner

... Mr. M. Camyles Gandhi
for Mr.P.Saravana Sowmiyan

For Respondents

... Mr.V. Meganathan
Govt. Advocate (crl.side

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 17.10.2022 made in C.A.No.81 of 2021 on the file of the III Additional District and Sessions Judge, Gobichettipalayam, confirming the judgment of conviction and sentence imposed by the learned Judicial Magistrate



No.2,Gobichettipalayam in C.C.No.112 of 2014, dated 10.03.2021

WEB COPY 2. The petitioner, who was the sole accused in C.C.No.112 of 2014 was convicted and sentenced by the trial court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	Section 279 IPC	Fine of R.1000/-, in default, to undergo simple imprisonment for a period of one month;
	Section 304(A) IPC	To undergo rigorous imprisonment for a period of one year.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the learned III Additional District and Sessions Judge, Gobichettipalayam in C.A.No.81 of 2021, dated 17.10.2022. Challenging the above conviction and sentence, the petitioner has filed Crl.R.C.along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. Heard Mr. W. Camyles Gandhi, learned counsel for the petitioner and Mr.V. Meganathan, learned Govt. Advocate (crl.side) appearing for the State.

4. The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case; there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. He further submitted that the petitioner is in custody from 01.12.2022, thus , prayed for suspension of sentence till the disposal of this



Criminal Revision Petition.

WEB COPY 5. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Moreover, the petitioner has been confined in judicial custody since 01.12.2022. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the Superintendent of Central Prison, Coimbatore.
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the trial Court as and when required.

15.12.2022

msr

Note : Issue Today

To



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1. The Judicial Magistrate No.II,
Gobichettipalayam.
2. The III Addl. District and Sessions Judge,
Gobichettipalayam.
3. The Superintendent of Prison,
Central Prison
Coimbatore.
4. The Inspector of Police,
Kadathur Police Station,
Gobichettipalayam
5. The Public Prosecutor
High Court, Madras



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V.SIVAGNANAM, J.

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