



Crl.M.P.No.18951 of 2022 in Crl.A.No.1259 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.18951 of 2022

in

Crl.A.No.1259 of 2022

M. Arivazhagan

... Petitioner

/vs/

State, represented by
Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the judgment and sentence passed by the Sessions Judge, Mahalir Needhimandram, Chennai in S.C.No.193 of 2019, dated 16.09.2022 and enlarge the petitioner on bail pending criminal appeal.

For Petitioner

... Mr. V. Krishnamoorthy

For Respondent

... Mr.C.E. Pratap, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Sessions Judge, Mahalir Needhimandram, Chennai in S.C.No.193 of 2019, dated 16.09.2022 and enlarge the petitioner on bail pending criminal appeal.



2. The petitioner, who was the sole accused in SC.No.193 of 2019 was convicted and sentenced by the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	Section 450 IPC	RI for seven years and to pay a fine of Rs.5000/-, in default to pay fine, to undergo SI for two months
	Section 376 IPC	To undergo RI for ten years and to pay a fine of Rs.5000/-, in default, to pay fine, to undergo SI for three months
	Section 392, r/w.397 IPC	To undergo RI for ten years and to pay a fine of Rs.5000/-, in default to pay fine, to undergo SI for three months.

The fine amount imposed was already paid and the sentence imposed for all the offences were ordered to run concurrently.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioner, he preferred criminal appeal in Crl.A.No.1259 of 2022 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.



5. The learned counsel for the petitioner submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case; there are arguable points in this appeal and the petitioner has every chance of succeeding the appeal. He further submitted that the petitioner has already paid the fine amount and he has been in judicial custody for the past three months. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been confined in judicial custody for the past three months. Further, the appeal 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.

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

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each for a likesum to the satisfaction of the Sessions Judge, Mahalir Needhimandram, Chennai.
- (ii) The sureties shall affix their photographs and Left Thumb



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Impression in the surety bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and

- (iii) The petitioner shall appear before the trial Court as and when required.

15.12.2022

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Note : Issue Today

To

1. The Sessions Judge, Mahalir Needhimandram, Chennai.
2. The Superintendent of Prison,
Central Prison 1, Puzhal.
3. The Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai.
4. The Public Prosecutor
High Court, Madras

V.SIVAGNANAM, J.



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