



Crl.MP.No.19858 of 2022 in Crl. Rc.No.1680 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19858 of 2022
in Crl.R.C.No.1680 of 2022

Thiyagarajan

...

Petitioner

Vs.

State Rep. by Inspector of Police,
Pallipattu Police Station,
Tiruvallur District.
(Crime No.259/2012)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, pleaded to suspend the sentence passed by the Assistant Sessions Court, Tiruttani in S.C.No.15 of 2016 dated 29.04.2022 and confirmed by the I-Additional District and Sessions Judge, Tiruvallur in Criminal Appeal No.43 of 2022 dated 10.10.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.V.Ayyapparaja

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in SC No.15 of 2016, vide judgement dated 29.04.2022, which was confirmed by the first Appellate Court in Crl.A.No.43 of 2022, vide judgment dated 10.10.2022, pending disposal of the Criminal Revision Petition.

2. The learned Assistant Sessions Judge, Tiruttani, by judgment dated 29.04.2022 in S.C.No.15 of 2016, acquitted the petitioner for the offence punishable under Section 294(b) IPC, however, convicted him for the offence punishable under Section 307 IPC and sentenced him to undergo 3 years rigorous imprisonment and also directed him to pay a fine of Rs.50,000/-, in default, to undergo 1 year simple imprisonment. Challenging the above judgment of conviction, the petitioner preferred an appeal in Crl.A.No.43 of 2022, which was also confirmed by the learned I Additional District and Sessions Judge, Tiruvallur, vide judgment dated 10.10.2022.

3. Challenging the conviction and sentence slapped by the Trial Court and



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the first Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5. I have perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be



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released on bail on his *executing 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 Assistant Sessions Judge, Tiruttani.*

(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, as and when required.

23.12.2022
(2/3)

mst

To

- 1.The I-Additional District and Sessions Judge, Tiruvallur.
- 2.The Assistant Sessions Judge, Tiruttani.
3. The Public Prosecutor, Madras High Court.



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V.SIVAGNANAM, J.,

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