



Crl.M.P.No.19807 of 2022 in Crl.A.No.613 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.19807 of 2022

in

Crl.A.No.613 of 2022

J.Ajith Kumar

... Petitioner

/Versus/

State rep.by

The Inspector of Police (Law and Order),

Tiruppur Police Station(South),

Tiruppur District.

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed by learned Chief Judicial Magistrate/Assistant Sessions Judge, Tiruppur in S.C.No.108 of 2019 dated 29.04.2022 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner

... Mr.C.Umashankar

For Respondent

... Mr.C.E.Pratap
Govt. Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner/accused for the offences



punishable under Sections 294(b), 450, 307 and 506(ii) IPC by the Chief Judicial Magistrate/Assistant Sessions Judge, Tiruppur in S.C.No.108 of 2019 and enlarge him on bail pending disposal of the above Criminal .

2. The petitioner, who is the sole accused in S.C.No.108 of 2019 was convicted and sentenced by the Chief Judicial Magistrate/Assistant Sessions Judge, Tiruppur, as follows:

<i>petitioners's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
sole accused	Section 294(b) IPC	acquitted
	Section 307 IPC	To undergo Rigorous Imprisonment for 8 years and also pay a fine of Rs.2,000/-, in default undergo Simple Imprisonment for 2 years
	Section 450 IPC	To undergo Rigorous Imprisonment for 5 years and also pay a fine of Rs.2,000/-, in default undergo Simple Imprisonment for 2 years
	Section 506(ii) IPC	To undergo Rigorous Imprisonment for 2 years and also pay a fine of Rs.1,000/-, in default undergo Simple Imprisonment for one year.

3. Aggrieved over the same, the petitioner has preferred the present Criminal Appeal along with the instant miscellaneous petition, seeking



suspension of sentence and bail.

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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

5. The learned counsel for the petitioner would submit that there are arguable points in this appeal and the petitioner has a good and fair chance of success in this appeal . Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Appeal.

6. The petitioner has raised substantial grounds in the Criminal Appeal which require detailed appraisal. 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 alone is granted 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 Judicial Magistrate, Tiruppur.



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V.SIVAGNANAM, J.

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