



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Thirteenth day of September Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10916 of 2022

IN

CRL RC(MD) No.877 of 2022

GOPI

... PETITIONER / PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL
(CRIME NO.336 OF 2014)

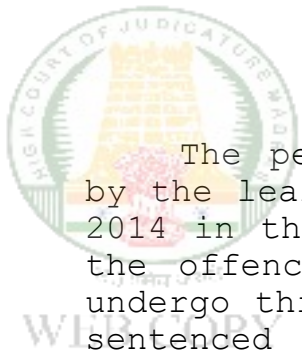
... RESPONDENT / RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed to the judgment dated 05.10.2021 made in C.A.No.5 of 2020 on the file of learned Additional Sessions Judge, Dindigul in so far as confirming the conviction and sentence imposed by the learned Judicial Magistrate No. 1, Dindigul dated 04.12.2019 made in CC.No.243 of 2014 for the offences under secs.294 (b) & 353 IPC Sentencing the petitioner to undergo 3 months imprisonment for the offence under Sec.294(b) and 2 years simple imprisonment for the offence under Sec.353 IPC, pending disposal of the above criminal revision case.

Prayer in CRL RC(MD). 877/ 2022 :

To call for the records relating to the judgement dated 05.10.2021 made in C.A.No.5 of 2020 on the file of learned Additional Sessions Judge, Dindigul in so far as confirming the conviction and sentence imposed by the learned Judicial Magistrate No.1, Dindigul.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PANDIYAN V, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



The petitioner was convicted by the Judgment dated 04.12.2019 by the learned Judicial Magistrate No.I, Dindigul, in C.C.No.243 of 2014 in the following manner. The petitioner was found guilty for the offence punishable under Section 294(b) IPC and sentenced to undergo three months simple imprisonment, under Section 353 IPC and sentenced to undergo two years Simple imprisonment and also under Section 506(i) IPC and sentenced to undergo one year simple imprisonment. The sentence of imprisonment imposed on him ordered to run concurrently and set off under Section 428 Cr.P.C. also was ordered. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.5 of 2020, before the Additional Sessions Judge, Dindigul District, Dindigul and the same was partly allowed by Judgment dated 05.10.2021. The Appellate Court acquitted the petitioner from the offence under Section 506(i) IPC and he found the petitioner guilty under Sections 294(b) and 353 IPC and confirmed the conviction passed by the learned Judicial Magistrate No.I, Dindigul. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel appearing for the petitioner would submit that the petitioner was released on bail pending trial.

3.Heard the submissions of the learned Additional Public Prosecutor and he also admits that the petitioner was now enlarged on bail by the trial Court.

4.Having regard to the fact that there are arguable points involved in the revision case and further, the revision case is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner is already enlarged on bail by the trial Court, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5.Accordingly, 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.I, Dindigul and on further condition that the petitioners shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-
13/09/2022

/ TRUE COPY /

13/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL SESSIONS JUDGE,
DINDIGUL DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION, DINDIGUL

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.10916 of 2022

IN

CRL RC(MD) No.877 of 2022

Date :13/09/2022

TM

MK/VRS/SAR.I/13.09.2022/3P/6C