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CrI.M.P.No.135 of 2023
in CrI.R.C.No.26 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.135 of 2023

in

CrI.R.C.No.26 of 2023

Iyyandurai

...

Petitioner

/vs/

The State Rep.by its
Inspector of Police,
Magudan Chavadi Police Station,
Salem District.

...

Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence of punishment passed by the Learned Judicial Magistrate No.II, Sankagiri in C.C.No.146 of 2018 dated 30.03.2021 against the petitioner /accused and the same was confirmed in Criminal Appeal in CrI.A.No.36 of 2021 dated 03.01.2022 on the file of the Learned Principal Sessions Judge, Salem and enlarge the petitioner on bail till the disposal of the above main Criminal Revision Petition.

For Petitioner

...

Mr.B.Gopalakrishnan

For Respondent

...

Mr.V.Meganathan
Govt.Advocate (CrI.side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of punishment passed by the Learned Judicial Magistrate No.II, Sankagiri in C.C.No.146 of 2018 dated 30.03.2021 against the petitioner /accused and the same was confirmed in Criminal Appeal in Crl.A.No.36 of 2021 dated 03.01.2022 by the Learned Principal Sessions Judge, Salem and enlarge the petitioner on bail till the disposal of the Criminal Revision Petition.

2.The petitioner, who was the sole accused in C.C.No.146 of 2018, 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	Under Section 279 and 304(A) IPC	Imposed fine Rs.1,000/- in default to undergo Simple Imprisonment for one month and also convicted and sentenced to undergo Simple Imprisonment for one year.

3.Aggrieved against the judgement of conviction and sentence imposed on the petitioner by the trial Court in C.C.No.146 of 2018, he preferred criminal appeal in Crl.A.No.36 of 2021 on the file of the Principal Sessions Court, Salem and the Principal Sessions Judge has confirmed the conviction



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and sentence of the trial Court. Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

5.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 Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

6. 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 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



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satisfaction of the learned Judicial Magistrate No.II, Sankagiri.

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(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.

06.01.2023
(3/3)

sms

To

- 1.The Learned Judicial Magistrate No.II,
Sankagiri.
- 2.The Learned Principal Sessions Judge,
Salem.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

sms

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