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*Crl.M.P.No.134 of 2023 in
Crl.RC.No.25 of 2023*

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V.SIVAGNANAM, J.,

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.C.No.79/2015, vide judgement dated 19.11.2020, which was confirmed by the first Appellate Court in Crl.A.No.15/2020, vide judgment dated 20.09.2022, pending disposal of the Criminal Revision Petition.

2. The learned Assistant Sessions Judge, Chidambaram, vide judgment dated 19.11.2020, passed in S.C.No.79/2015, convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
279 IPC	Pay fine of Rs.1,000/-, in default, to undergo 2 months simple imprisonment
323 (2 counts) IPC	Pay fine of Rs.1,000/- each (Total Rs.2,000), in default, to undergo 3 months simple imprisonment, each.
325 (2 counts)IPC	3 years Rigorous imprisonment each and to pay a fine of Rs.1,500/- each (Total Rs.3,000/-), in default, to undergo 6 months simple imprisonment each.
307(2 counts) IPC	4 years Rigorous imprisonment each, and to pay a fine of Rs.2,000/- each (Total Rs.4,000/-), in default, to undergo 6 months simple imprisonment each



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The above sentences were ordered to run concurrently. However, the Trial Court acquitted the petitioner from the offence under Section 185 of Motor Vehicles Act. Challenging the above conviction and sentence, the petitioner preferred an Appeal in Crl.A.No.15/2020. The learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District, vide judgment dated 20.09.2022, has confirmed the judgment passed by the Trial Court.

3. Challenging the conviction and sentence slapped by the Trial Court, as well as 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. He further submitted that already, the petitioner paid the fine amount and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment 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



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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 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 Judicial Magistrate, Parangipettai.***

(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

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To

1.The II Additional District and Sessions Judge,



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Chidambaram, Cuddalore District.

2. The Assistant Sessions Judge, Chidambaram, Cuddalore District.
3. The Judicial Magistrate, Parangipettai
4. The Public Prosecutor, High Court, Madras.



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