



*Crl.M.P.No.387 of 2023 in
Crl.Rc.No.69 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.387 of 2023 in
Crl.RC.No.69 of 2023**

P.Saravanan

... Petitioner

Vs.

State represented by
The Sub Inspector of Police,
Velangoundampatti Police Station,
Namakkal, (Crime No. 77/2016)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence made under the Judgment dated 10.10.2022 in Crl.A.No. 61 of 2021, on the file of Special Court for Trial of cases Registered under SC/ST (POA) Act, Namakkal, confirming the conviction and sentence in the Judgment dated 19.03.2021 made in C.C.No.488 of 2019 on the file of Additional Mahila Court, Namakkal, pending disposal of the above Criminal Revision petition.

For Petitioner	: Mr.W. Camyles Gandhi
For Respondent	: Mr.V. Meganathan Government Advocate



*Crl.M.P.No.387 of 2023 in
Crl.Rc.No.69 of 2023*

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ORDER

This petition has been filed to suspend the sentence made under the Judgment dated 10.10.2022 in Crl.A.No. 61 of 2021, on the file of Special Court for Trial of cases Registered under SC/ST (POA) Act, Namakkal, confirming the conviction and sentence in the Judgment dated 19.03.2021 made in c.C.No.488 of 2019 on the file of Additional Mahila Court, Namakkal, pending disposal of the above Criminal Revision petition.

2. The learned Judicial Magistrate, Additional Mahila Court, Namakkal in C.C No.488/2019, convicted the petitioner for the offence punishable under Sections 279,338 (3 counts) ,304-A of I.P.C and under Section 134(a), 134(b) r/w 187 of Motor Vehicles Act, 1988. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.61/2021, which was also confirmed by the Special Court for Trial of cases vide order dated 10.10.2022.

Conviction and sentence imposed on the petitioner are

Conviction under Section	Sentence
Section 279 of I.P.C	To pay fine of Rs.1000/- in default to undergo simple imprisonment for one month.
Section 338 of IPC (3 counts)	Simple Imprisonment for six months for each counts and pay a fine of Rs.1,000/- each in



*Crl.M.P.No.387 of 2023 in
Crl.Rc.No.69 of 2023*

Conviction under Section	Sentence
	default to undergo simple imprisonment for one month each (3 counts).
304-A	Sentenced to undergo simple imprisonment for two years and pay a fine of Rs.1,000 in default simple imprisonment of one month for the offence
134(a),134(b) r/w 187 of Motor Vehicle Act, 1988	To pay fine of Rs.500/- in default simple imprisonment for one month for the offence

3. Challenging the conviction and sentence slapped by the Trial Court and the Lower 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. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed



Crl.M.P.No.387 of 2023 in
Crl.Rc.No.69 of 2023

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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 Additional Mahila Court, Namakkal.*

(ii) The petitioner and the sureties shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

(iii) The petitioner shall appear before the Trial Court as and when required.

11.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
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*Crl.M.P.No.387 of 2023 in
Crl.Rc.No.69 of 2023*

To

1. Special Court for Trial of cases , Namakkal,
2. Additional Mahila Court, Namakkal

- 3.The Public Prosecutor, High Court, Madras.



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*Crl.M.P.No.387 of 2023 in
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V.SIVAGNANAM, J.

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Crl.RC.No.69 of 2023**

**11.01.2023
(1/2)**