



*Crl.M.P.No.2743 of 2023 in
Crl.R.C.No.343 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.2743 of 2023

in

Crl.R.C.No.343 of 2023

Muthu @ Kirukku Muthu

... Petitioner

Vs.

The State, rep. by
The Inspector of Police,
Peralam Police Station,
Peralam, Thiruvarur District.
Crime No.20 of 2017

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 (1) Cr.P.C., to suspend the execution of the sentence passed in Crl.A.No.16 of 2021, dated 05.09.2022, on the file of the Principal District and Sessions Judge at Thiruvarur and enlarge the petitioner on bail pending disposal of the above Criminal Revision petition.

For Petitioner : Mr.S.Madhusudanan

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)



*Crl.M.P.No.2743 of 2023 in
Crl.R.C.No.343 of 2023*

WEB COPY

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.231/2017, vide judgement dated 26.08.2021, which was confirmed by the first Appellate Court in in Crl.A.No.16 of 2021, vide judgment dated 05.09.2022, pending disposal of the Criminal Revision Petition.

2. The Trial Court, vide its judgment dated 26.08.2021, convicted the petitioner for the offence punishable under Section 325 I.P.C., and sentenced him as under:

Conviction under Section	Sentence
325 I.P.C.	Simple Imprisonment for 3 years and to pay a fine of Rs.1,500/- and in default Simple Imprisonment for 2 months

3. Challenging the above judgment dated 26.08.2021, the petitioner preferred an appeal in Crl.A.No.16/2021, before learned Principal District and Sessions Judge, Thiruvarur and the learned Judge by its order dated 05.09.2022 confirmed the same.



*Crl.M.P.No.2743 of 2023 in
Crl.R.C.No.343 of 2023*

WEB COPY

4. Challenging the conviction and sentence slapped by the Trial Court as well as the first Appellate Court, the petitioner is before this Court.

5. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

6. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

7. Taking into consideration of the above submission of the learned counsels 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.



Crl.M.P.No.2743 of 2023 in
Crl.R.C.No.343 of 2023

WEB COPY

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 ***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 District Munsif cum Judicial Magistrate, Nannilam.***

(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.

27.02.2023
2/2

Index:Yes/No
Internet:Yes/No
rpl



*Crl.M.P.No.2743 of 2023 in
Crl.R.C.No.343 of 2023*

WEB COPY **To**

- 1.The Principal District and Sessions Judge, Thiruvarur.
- 2.The District Munsif cum Judicial Magistrate, Nannilam.
- 3.The Inspector of Police,
Peralam Police Station,
Peralam, Thiruvarur District.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



*Crl.M.P.No.2743 of 2023 in
Crl.R.C.No.343 of 2023*

V.SIVAGNANAM, J.

rpl

**Crl.M.P.No.2743 of 2023 in
Crl.R.C.No.343 of 2023**

**27.02.2023
(2/3)**