



WEB COPY



Crl.M.P.No.427 of 2023 in Crl.A.No.40 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.427 of 2023

in

Crl.A.No.40 of 2023

Velmurugan

... Petitioner

/vs/

The State by
Inspector of Police,
Vridhachalam Police Station,
Cuddalore District.
Crime No.297/2018

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by judgment dated 04.01.2023 on the file of the III Additional District cum Sessions Court, Cuddalore at Vridhachalam in S.C.No.44 of 2022 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner	...	Mr. T. Saikrishnan
For Respondent	...	Mr.C.E.Pratap, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to s
sentence imposed on the petitioner by judgment dated 04.01.2023 on the file
of the III Additional District cum Sessions Court, Cuddalore at Vridhachalam



WEB COPY



in S.C.No.44 of 2022 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The trial court by its judgment dated 04.01.2023 in S.C.No.44 of 2022 ordered as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	U/s.294(b) IPC u/s.3 of Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act 2008 (2 counts)	To pay a fine of Rs.1000/-, in default in payment of fine, to undergo SI for a period of 10 days. To undergo RI for 5 years (for each count), and to pay a fine of Rs.5000/- (for each count) in default in payment of fine, to undergo 3 months SI. Acquitted from the charge u/s.506(i) IPC
A2	U/s.294 (b) IPC	To pay a fine of Rs.1000/-, in default in payment of fine, to undergo SI for a period of 10 days. Acquitted from the charge u/s.506(i) IPC and Section 3 of Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act 2008



WEB COPY



3. The petitioner herein, who is A1 in S.C.No.44 of 2022, aggrieved over the judgment of conviction and sentence imposed on him by the trial court, has preferred the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal appeal Petition.

5. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:



WEB COPY



(i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

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

12.01.2023

msr

Note : Issue copy on 12.01.2023

To

1. The III Additional District cum Sessions Court,
Cuddalore at Vridhachalam
2. The Inspector of Police,
Vridhachalam Police Station,
Cuddalore District.
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison,
Cuddalore.



WEB COPY



Crl.M.P.No.427 of 2023 in Crl.A.No.40 of 2023

V.SIVAGNANAM, J.

msr

Crl.M.P.No.427 of 2023
in
Crl.A.No.40 of 2023

12.01.2023