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CrI.M.P.No.1124 of 2023 in CrI.A.No.392 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM

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

CrI.M.P.No.1124 of 2023

in

CrI.A.No.392 of 2022

Vetri @ Vetriveran

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Katterikuppam Police Station,
Puducherry
(Crime No.26 of 2013)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1)(2) of Cr.P.C. to suspend the sentence imposed on the petitioner by judgment dated 16.02.2022 passed in S.C.No.03 of 2016 on the file of the III Additional Sessions Judge, Puducherry and enlarge the petitioner on bail pending disposal of this Criminal Appeal.

For Petitioner

: Mr.R.Alvin Manoj Raj

For Respondent

: Mr.M.V.Ramachandramurthy,
Additional Public Prosecutor(Pondy)



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Crl.M.P.No.1124 of 2023 in Crl.A.No.392 of 2022

ORDER

The petitioner, who is the 1st accused in S.C.No. 03 of 2016 on the file of the III Additional Sessions Judge, Puducherry, seeks suspension of his sentence of imprisonment.

2. The Trial Court, vide its judgment dated 16.02.2022, convicted the petitioner/1st accused for the offences punishable under Sections 452, 323 (1 count) r/w.34 and 304(II) r/w.34 I.P.C., and sentenced him as under:

Conviction under Section	Sentence
304 (II) r/w.34 I.P.C.	Rigorous Imprisonment for 7 years and to pay a fine of Rs.1,000/-, in default, to undergo Rigorous Imprisonment for 6 months.
452 I.P.C.	Rigorous Imprisonment for 3 years and to pay a fine of Rs.500/-, in default, to undergo Rigorous Imprisonment for 6 months.
323 (1count) r/w.34 I.P.C.	Rigorous Imprisonment for 6 months.

3. Challenging the conviction and sentence slapped by the Trial



Crl.M.P.No.1124 of 2023 in Crl.A.No.392 of 2022

Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Appeal. He further submitted that the petitioner is under custody 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 counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, 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.



CrI.M.P.No.1124 of 2023 in CrI.A.No.392 of 2022

WEB COPY

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner *shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Puducherry.*

(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.

30.01.2023

Note: Issue order copy on 30.01.2023

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4 of 6



CrI.M.P.No.1124 of 2023 in CrI.A.No.392 of 2022

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1. The III Additional Sessions Judge, Puducherry.
2. The Judicial Magistrate-I, Puducherry.
3. The Superintendent, Central Jail, Kalapet, Puducherry
4. The Inspector of Police,
Katterikuppam Police Station,
Puducherry
5. The Public Prosecutor(Puducherry),
High Court of Madras, Chennai.



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Crl.M.P.No.1124 of 2023 in Crl.A.No.392 of 2022

V.SIVAGNANAM, J.,

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Crl.M.P.No.1124 of 2023
in
Crl.A.No.392 of 2022

30.01.2023