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CrI.M.P.No.1612 of 2023 in CrI.RC.No.204 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.1612 of 2023

in

CrI.RC.No.204 of 2023

1. P.Selvi

2. P.Arunraj

... Petitioners

/vs/

State of Tamilnadu,
represented by the
Inspector of Police,
Economic Offence Wing,
Kancheepuram.
Cr.No.2 of 2017

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 r/w.401 of Cr.P.C., to suspend the sentence imposed in C.A.No.82 of 2019 dated 15.12.2022 on the file of the District Principal Sessions Judge, Chengelpet, confirming the judgment in C.C.No.10 of 2018, dated 27.5.2019 on the file of Chief Judicial Magistrate Court, Chengalpet and to enlarge the petitioners on bail

For Petitioners
For Respondent

... Mr. U.Jugal Kumar
... Mr. V.Meganathan,
Govt. Advocate (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to



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suspend the sentence imposed on the petitioner in C.A.No.82 of 2019 dated 15.12.2022 on the file of the District Principal Sessions Judge, Chengelpet, confirming the judgment in C.C.No.10 of 2018, dated 27.5.2019 on the file of Chief Judicial Magistrate Court, Chengalpet and to enlarge the petitioners on bail pending disposal of the above Criminal Revision Case.

2. The trial court, by its judgment dated 27.5.2019, in C.C.No.10 of 2018 convicted and sentenced the petitioners/A2 and A3 as follows:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 and A2	U/s.120(B) IPC	Each to undergo 3 months SI
	U/s.406 IPC	Each to undergo 2 years SI
	U/s.420 IPC	Each to undergo 2 years SI
	U/s.4,14, 76 of Chit Fund Act	Each to undergo 2 years SI and to pay a fine of Rs.2000/- each, in default, to undergo two months SI

The sentences of imprisonments were ordered to run concurrently.

3. Aggrieved against the conviction and sentence imposed by the trial court on the petitioners, they preferred appeal in Crl.A.No.82 of 2019 before the District Principal Sessions Judge, Chengelpet, who, by his judgment dated 15.12.2022, confirmed the conviction and sentence imposed by the trial court.



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4. Challenging the above conviction and sentence, the petitioners have filed the present Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

5. The learned counsel for the petitioners submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioners have every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.

6. Heard the learned counsel for the petitioners and perused the materials available on record.

7. The petitioners have raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such a view of the matter, this Court is inclined to grant the relief of suspension of sentence and bail to the petitioners till the disposal of the criminal revision case.



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

- (i) The petitioners 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 their executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each, along with two sureties, each for a like sum, to the satisfaction of the Trial Court.
- (ii) The petitioners and sureties shall affix their photograph and Left Thumb Impression in the bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and
- (iii) The petitioners shall appear before the trial Court as and when required.

10.02.2023

msr



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1. The Principal District and Sessions Judge, Chengelpet,
Chennai
2. The Chief Judicial Magistrate Court, Chengalpet
3. The Inspector of Police,
Economic Offence Wing,
Kancheepuram.
4. The Public Prosecutor, High Court,
Madras.



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V.SIVAGNANAM, J.

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