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Crl.M.P.No.936 of 2023 in Crl.A.No.77 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.936 of 2023

in

Crl.A.No.77 of 2023

P. Pandiyan

... Petitioner

/vs/

The Inspector of Police,
Vikramangalam Police Station,
Ariyalur District

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(i) of Cr.P.C., to suspend the sentence imposed in judgment dated 23.02.2022 in S.C.No.135 of 2019 in the file of Fast Track Mahila Court (District and Sessions Judge) Ariyalur and enlarge the petitioner on bail, pending disposal of the above appeal.

For Petitioner ... Mr. R. Venkatesulu

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

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed in judgment dated 23.02.2022 in S.C.No.135



of 2019 on the file of Fast Track Mahila Court (District and Sessions Judge)

Ariyalur and enlarge the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is the sole accused in S.C.No.135 of 2019 was convicted and sentenced by the trial court, by its judgment dated 23.02.2022 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.376(2)(n) IPC	To undergo 10 years RI and a fine of Rs.10,000/-, in default in payment of fine, to undergo one year SI
	U/s.417 IPC	To undergo 6 months RI and a fine of Rs.1,000/-, in default in payment of fine, to undergo one month SI
The sentences of imprisonments were ordered to run concurrently; 50% of the total fine amount of Rs.11,000/-, is ordered to be given to the victim, as compensation u/s.357(1)(b) Cr.P.C.		

The trial court acquitted the petitioner/accused from the charge under section 294(b) IPC.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in S.C.No.135 of 2019, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking



suspension of sentence and bail.

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4. The learned counsel for the petitioner submitted that the judgment of the trial court is against law, weight of evidence and probabilities of the case and the same is liable to be set aside. He further submitted that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal and the petitioner has already paid the fine amount imposed by the trial court. Thus, he prayed for suspension of sentence till the disposal of this Criminal appeal.

5. Heard the learned counsel for the petitioner and learned Govt. Advocate (crl.side) and perused the entire material evidence available on record.

6.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.

7. Accordingly, the relief of suspension of sentence and bail is granted



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to the petitioner on the following conditions:

- (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.

27.01.2023

msr

To

1. The Fast Track Mahila Court (District and Sessions Judge) Ariyalur.
2. The Inspector of Police, Vikramangalam Police Station, Ariyalur District.
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Jail, Trichy.

V.SIVAGNANAM, J.

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