



Crl.M.P.No.917 of 2023 in Crl.A.No.73 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

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

Crl.M.P.No.917 of 2023

in

Crl.A.No.73 of 2023

Ameen Batcha

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Vikkaravandi Police Station,
Villupuram District.
(Crime No.1623 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C. to suspend the sentence imposed by the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram District vide Judgment dated 09.12.2022 in S.C.No.23 of 2021, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner

: Mr.John Sathyan
For Swamisubramanian

For Respondent

: Mr.C.E.Pratap,
Gov. Advocate (Crl.Side)



Crl.M.P.No.917 of 2023 in Crl.A.No.73 of 2023

ORDER

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The petitioner, who is accused in S.C.No. 23 of 2021 on the file of the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram District, seeks suspension of his sentence of imprisonment.

2. The Trial Court, vide its judgment dated 09.12.2022, acquitted the petitioner from the offence punishable under Section 294(b) and 352 I.P.C., however, convicted the petitioner for the offences punishable under Sections 417 & 376 r/w.90 I.P.C., and sentenced him as under:

Conviction under Section	Sentence
Section 376 I.P.C.	Rigorous Imprisonment for 7 years and to pay a fine of Rs.25,000/-, in default, to undergo Simple Imprisonment for 3 months.
Section 417 I.P.C.	No separate sentence has been imposed

3. Challenging the conviction and sentence slapped by the Trial



Crl.M.P.No.917 of 2023 in Crl.A.No.73 of 2023

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 already the petitioner paid the fine amount and now, he 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.



Crl.M.P.No.917 of 2023 in Crl.A.No.73 of 2023

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(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.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram District.*

(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.

25.01.2023
(2/2)

Note: Issue order copy on 25.01.2023

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To

4 of 6



Crl.M.P.No.917 of 2023 in Crl.A.No.73 of 2023

1. The Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court),
Villupuram District.

2. The Superintendent, Central Prison, Cuddalore.

3. The Inspector of Police,
Vikkaravandi Police Station,
Villupuram District.

4. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.M.P.No.917 of 2023 in Crl.A.No.73 of 2023

V.SIVAGNANAM, J.,

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Crl.M.P.No.917 of 2023
in
Crl.A.No.73 of 2023

25.01.2023

(2/2)