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CrI.M.P.No.865 of 2023 in CrI.RC.No.114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.865 of 2023

in

CrI.RC.No.114 of 2023

1. Kumar
2. Chinnapayan ... petitioners
/vs/

The State, represented by
The Inspector of Police,
Kannamangalam Police Station,
Kannamangalam,
Thiruvannamalai District .. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(i) of Cr.P.C., to suspend the sentence imposed in the judgment of conviction and sentence passed by Assistant Sessions Court, Arani, dated 06.03.2020 in S.C.No.99 of 2019, confirmed by the judgment made in C.A.No.11 of 2020 dated 06.09.2022 passed by the Principal District and Sessions Court, Tiruvannamalai and the release the petitioners on bail.

For petitioners ... Mr. B. Jawahar
For Respondent ... Mr.V.Meganathan, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to



suspend the sentence imposed by the judgment of conviction and sentence passed by Assistant Sessions Court, Arani, dated 06.03.2020 in S.C.No.99 of 2019, confirmed by the judgment made in C.A.No.11 of 2020, dated 06.09.2022 passed by the Principal District and Sessions Court, Tiruvannamalai and the release the petitioners on bail.

2. The trial court, by its judgment dated 06.03.2020 in S.C.No.99 of 2019, convicted and sentenced the petitioners/A1 and A2 as follows;

<i>petitioners' Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 and A2	U/s.323 IPC	Each to undergo 6 months SI, and to pay a fine of Rs.1000/- each, in default, each to undergo SI for 2 months
	U/s.326 IPC	Each to undergo SI for 5 years and to pay a fine of Rs.5000/- each, in default in payment, each to undergo SI for one year
A1 and A2		Both acquitted from the charges u/s.294(b) and 307 IPC

The sentences of imprisonment were ordered to run concurrently.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioners in S.C.No.99 of 2019, the petitioners preferred C.A.No.11 of



2020, before the Principal District and Sessions Judge, Tiruvannamalai, who, by his judgment dated 06.09.2022, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioners have filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. 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 Petition.

5. Heard the learned counsel appearing for the petitioners and the learned Govt. Advocate (crl.side) appearing for the respondent and perused the materials available on record.

6. 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 view of the matter, this Court is of the



view that the petitioners are entitled to the relief of suspension of sentence and bail.

7. 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 petitioners are 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 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 petitioners shall appear before the trial Court as and when required.

24.01.2023

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To



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- 1.The Assistant Sessions Court, Arani,
- 2.The Principal District and Sessions Court, Tiruvannamalai.
3. The Inspector of Police,
Kannamangalam Police Station,
Kannamangalam,
Thiruvannamalai District
4. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.



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