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*Crl.M.P.No.2579 of 2023 in
Crl.RC No.313 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.MP No.2579 of 2023 in
Crl.RC No.313 of 2023

M.Parthiban

... Petitioner

Vs.

The State Rep by the Inspector of Police,
F3, Police Station, Nungambakkam,
Chennai
(Crime No.2425 of 2017)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C to suspend the sentence of the order dated 21.12.2022 passed in C.A.No.168/2021 by the XXI Additional District and Sessions Judge, City Civil Court, Chennai by confirming the order dated 23.09.2021 passed by the XIV Metropolitan Magistrate, Egmore, Chennai in C.C.No.729/2019 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

For Petitioner : Mr.A.Balasingh Ramanujam

For Respondent : Mr.V.Meganathan
Government Advocate (Crl. Side)

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.729/2019, vide judgment dated 23.09.2021, which was confirmed by the lower Appellate Court in Crl.A.No.168 of 2021, vide judgment dated 21.12.2022, pending disposal of the Criminal Appeal.

2. Totally there are 4 accused in the above said C.C.No.729/2019 and the petitioner is A1. The learned XIV Metropolitan Magistrate, Egmore, Chennai, vide order dated 23.09.2021, convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Sec.341 IPC	To pay fine of Rs.500/-, in default, to undergo 1 week simple imprisonment.
Sec.294(b) IPC	To pay fine of Rs.1,000/-, in default, to undergo 1 week simple imprisonment.
Sec.326 IPC	3 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment

The Trial Court acquitted the petitioner from the offence under Section 506(2) IPC and also ordered the above said sentence of imprisonments to run concurrently.

3. Challenging the above judgment of conviction, the petitioner



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preferred an appeal in Crl.A.No.168/2021, which was also confirmed by the learned XXI Additional Sessions Judge, City Civil Court, Chennai, vide judgment dated 21.12.2022.

4. Challenging the conviction and sentence slapped by the Trial Court as well as lower Appellate Court, the petitioner preferred the present Criminal Revision Case along with the instant petition to suspend the sentence of imprisonment.

5. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Case. He also submitted that there is no possibility of the appeal being taken up for final hearing in the near future and hence prayed to suspend the sentence imposed on the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgments and the materials on record.

7. Taking into consideration of the above submission of the learned



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counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

8. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the concerned 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 his ***executing 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 XIV Metropolitan Magistrate, Egmore, Chennai.***

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the said Magistrate as and when required.



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23.02.2023

(2/3)

mst

To

1. The XXI Additional Sessions Judge, City Civil Court, Chennai.
2. The XIV Metropolitan Magistrate, Egmore, Chennai.
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

mst

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**23.02.2023
(2/3)**