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Crl.M.P.No.2404 of 2023 in Crl.R.C.No.295 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.2404 of 2023

in

Crl.RC.No.295 of 2023

Jayasurya

... Petitioner

-VS-

State Rep. by
The Inspector of Police,
B-5, Harbour Police Station,
Chennai.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C.,
pleaded to suspend the sentence imposed on the petitioner in conviction judgment
in C.A.No.77 of 2022 on the file of the Hon'ble XX Additional Sessions Judge,
Chennai and judgment dated 23.04.2022 in C.C.No.1283 of 2018 on the file of the
Hon'ble XVI Metropolitan Magistrate Court, George Town, Chennai and enlarge
the petitioner on bail.

For Petitioner : Mr.B.Maheswaran

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



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ORDER

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2. The Trial Court, vide its judgment in C.C.No.1283 of 2018, dated 23.04.2022, convicted the accused for the offences under Section 304(A) of I.P.C and sentenced to undergo 2 years R.I and to pay a fine of Rs.1,000/-, in default of payment of fine shall undergo 1 month S.I. The Learned Counsel for the petitioner submitted that the petitioner has preferred an appeal in C.A.No.77 of 2022 before the Lower Appellate Court, the Lower Appellate Court confirmed the conviction under Section 304(A) of IPC and modified the sentence to undergo one year SI. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.



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4. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. He further submitted that the petitioner has already paid the fine imposed by the trial Court. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Revision Case.

5. The petitioner has 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 petitioner is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:-

- (i) The petitioner 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 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each, for a likesum to the satisfaction of the **Learned XX**



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- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the above said Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the above mentioned Court as and when required.

21.02.2023

Index :Yes/No.

bsm

To,

1. The XX Additional Sessions Judge, Chennai.
2. The XVI Metropolitan Magistrate Court, George Town, Chennai.
3. The Inspector of Police, B-5, Harbour Police Station, Chennai.
4. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

bsm

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