



WEB COPY



Crl.M.P.No.2695 of 2023 in Crl.RC.No.336 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2695 of 2023

in

Crl.RC.No.336 of 2023

Siva @ Sivakumar

... Petitioner

/vs/

State, represented by
Inspector of Police,
Erode North,
Erode District
Cr.No.79/2008

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed in judgment dated 27.01.2020 made in C.A.No.236 of 2018 on the file of the I Additional District and Sessions Judge, Erode, by confirming the judgment of conviction dated 29.06.2018 passed in Sessions Case No.69 of 2008 by Principal Assistant Sessions Judge, Erode and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

For Petitioner

... Mr. P. Vetrivel

For Resondent

... Mr. V. Meganathan,
Govt. Advocate (crl.side)



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed in judgment dated 27.01.2020 made in C.A.No.236 of 2018 on the file of the I Additional District and Sessions Judge, Erode, by confirming the judgment of conviction dated 29.06.2018 passed in Sessions Case No.69 of 2008 by Principal Assistant Sessions Judge, Erode and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was A1 in Sessions Case No.69 of 2008 was convicted and sentenced by the trial court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	U/s.341 IPC	To undergo SI for one month;
	U/s.395, r/w.397 IPC	To undergo 7 years of RI and a fine of Rs.1000/-, in default, to undergo SI for one month
	U/s.450 IPC	To undergo three years of SI and a fine of Rs.500/-, in default, to undergo SI for one month.

The sentences were ordered to run concurrently.

The judgment of conviction and sentence imposed on the petitioner by the



trial court was confirmed by the I Additional District and Sessions Judge, Erode in C.A.No.236 of 2018, dated 27.01.2020. Challenging the above conviction and sentence, the petitioner has filed Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. The learned counsel for the petitioner 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. The petitioner/A1 along with other accused A2 to A8 were prosecuted by the respondent police for the offences under sections 450, 395, 395 r/w.397, 341 and 412 IPC and after trial, the trial court convicted and sentenced the petitioner as stated above. He further submitted that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case and the petitioner is in judicial custody from 29.06.2018. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

4. On perusal of records, it is found that the petitioner is A1 in S.C.No.69 of 2008 on the file of Principal Assistant Sessions Judge, Erode and the petitioner was prosecuted along with A2 to A8 for commission of

V.SIVAGNANAM, J.



msr

the offences punishable under sections 450, 395, 395 r/w.397, 341 and 412

WEB COPY After trial, the trial court found the petitioner along with A3 guilty and convicted them for the offences under sections 341, 395 r/w.397 and 450 IPC and sentenced them as stated above. On perusal of records, prima facie, the complainant-PW1 identified the A1/petitioner and A3. In the circumstances, this court is of the view that there is no merit in this petition seeking suspension of sentence pending disposal of the revision. Hence, this petition is dismissed.

24.02.2023

(3/3)

msr

To

- 1.The I Additional District and Sessions Judge, Erode
- 2.The Principal Assistant Sessions Judge, Erode.
3. The Inspector of Police, Erode North, Erode District.
4. The Public Prosecutor, High Court, Madras.

Crl.M.P.No.2695 of 2023

in

Crl.RC.No.336 of 2023