



Crl.M.P.No.1842 of 2023 in Crl.R.C.No.224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM

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

Crl.M.P.No.1842 of 2023

in

Crl.R.C.No.224 of 2023

Raja Mohamed

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Mettur Police Station,
Salem District.
Crime No.62 of 2018

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence of three years R.I for the offence under Section 332 of IPC and 2 years R.I for the offence under Section 506(i) IPC imposed by the judgment dated 22.08.2022 passed by the learned Judicial Magistrate No.I, Mettur in C.C.No.239 of 2018 which was confirmed by judgment dated 29.11.2022 passed by the learned Additional District Judge (Fast Track Court), Mettur in C.A.No.74 of 2022 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.



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

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.I, Mettur in C.C.No.239 of 2018, vide judgement dated 22.08.2022, which was confirmed by the learned Additional District Judge (Fast Track Court), Mettur in C.A.No.74 of 2022, vide judgment dated 29.11.2022, pending disposal of the Criminal Revision Case.

2. The Trial Court, vide its judgment dated 22.08.2022, convicted the accused for the offence under Section 332 and 506(i) I.P.C., and sentenced him as under:

Conviction under Section	Sentence
332 IPC	Rigorous Imprisonment for 3 years.
506(i) IPC	Rigorous Imprisonment for 2 years.



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3. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.74 of 2022, which was also confirmed by the first appellate Court, vide judgment dated 29.11.2022.

4. Challenging the conviction and sentence slapped by the Trial Court and the first Appellate Court, the petitioner is before this Court.

5. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Case. He further submitted that the petitioner is under custody and hence, prayed for suspension of sentence.

6. Heard the learned Government Advocate (Crl. side) appearing for the respondent and perused the impugned judgment 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 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 Judicial Magistrate No.I, Mettur.*

(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.



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To

1. The Judicial Magistrate No.I, Mettur.
2. The Superintendent, Central Prison, Salem.
3. The Inspector of Police,
Mettur Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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