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*Crl.M.P.No.3117 of 2023 in
Crl.R.C.No.410 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3117 of 2023

in

Crl.R.C.No.410 of 2023

Berjin

... Petitioner

Vs.

The State, rep. by
The Inspector of Police,
R-4, Soundarapandiyanar Angadi
Traffic Investigation Wing (TIW),
T.Nagar, Chennai-600 017.

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C., to suspend the sentence imposed against the Revision petitioner by the learned IV Metropolitan Magistrate at Saidapet, Chennai in C.C.No.508 of 2016 dated 26.05.2022 confirmed by the learned V Additional Sessions Judge at Chennai in C.A.No.108 of 2022 dated 28.12.2022 and enlarge the Revision Pettioner on bail.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.V.Meganathan,



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Government Advocate (Crl. Side)

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner/accused by the Trial Court in C.C.No.508 of 2016, vide judgement dated 26.05.2022, which was confirmed by the first Appellate Court in Crl.A.No.108 of 2022, vide judgment dated 28.12.2022, pending disposal of the Criminal Revision Petition.

2. The Trial Court, vide its judgment dated 26.05.2022, convicted the petitioner/accused for the offences punishable under Sections 279, 337 & 304 (A) I.P.C., and sentenced him as under:

Conviction under Section	Sentence
279 I.P.C.	Simple Imprisonment for 1 month and to pay a fine of Rs.1,000/- and in default Simple Imprisonment for 1 week
337 I.P.C	Simple Imprisonment for 1 month and to pay a fine of Rs.500/- and in default Simple Imprisonment for 1 week
304 (A) I.P.C.	Simple Imprisonment for 6 months and to pay a fine of Rs.8,000/- and in default Simple Imprisonment for 1 month

3. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.108/2022, which was also confirmed by the learned



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4. Challenging the conviction and sentence slapped by the Trial Court as well as 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 Petition 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 counsels 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.



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8. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and 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 is ordered to be released on bail on ***executing 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 IV Metropolitan Magistrate, Saidapet, Chennai.***

(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.

02.03.2023

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Index:Yes/No
Internet:Yes/No
rpl

To

1.The V Additional Sessions Judge, Chennai



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2.The IV Metropolitan Magistrate, Saidapet, Chennai

3.The Inspector of Police,
R-4, Soundarapandiyanar Angadi
Traffic Investigation Wing (TIW),
T.Nagar, Chennai-600 017.

4.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**02.03.2023
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