



Crl.M.P.No.2553 of 2023 in
Crl.R.C.No.227 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP No.2553 of 2023 in
Crl.RC No.227 of 2023

Arulganesamoorthy

... Petitioner

Vs.

State Rep. by the Inspector of Police,
Sankari Police Station
(Crime No.444/2012)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed on the petitioner in C.C.No.92/2013, vide order dated 07.04.2021 passed by the Judicial Magistrate No.1, Sankari, pending disposal of the Criminal Revision Case.

For Petitioner : Mr.C.Paraneedharan

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



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner, vide judgment dated 07.04.2021 passed in C.C.No.92/2013 by the learned Judicial Magistrate Court No.1, Sankari, and confirmed by the learned Principal Sessions Judge, Salem, vide judgment dated 13.12.2021 passed in C.A.No.50/2021, pending disposal of the Criminal Revision Case.

2. The learned Trial Judge, vide order dated 07.04.2021 passed in C.C.No.92/2013, convicted and sentenced the petitioner, as extracted hereunder.

<i>provision under which convicted</i>	<i>Sentence</i>
Sec.279 IPC	6 months simple imprisonment and to pay a fine of Rs.500/-, in default, to undergo 1 months simple imprisonment.
Sec.337 IPC (24 counts)	To pay Fine of Rs.200/- for each count (Total Rs.4800), in default, to undergo 2 weeks simple imprisonment.
Sec.338 IPC (23 counts)	To pay fine of Rs.300/- for each count (Total Rs.6900), in default, to undergo 2 weeks simple imprisonment.
Sec.304(A) IPC (3 counts)	2 years simple imprisonment for each count



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<i>provision under which convicted</i>	<i>Sentence</i>
The above sentence of imprisonments are ordered to run concurrently.	

3. Challenging the judgment of conviction and sentence, the petitioner preferred an Appeal in Crl.A.No.50/2021 and the same was dismissed by the learned Principal Sessions Judge, Salem,, vide judgment dated 13.12.2021.

4. Aggrieved by the judgment of conviction passed by the Trial Court as well as lower Appellate Court, the petitioner filed the present Criminal Revision Case along with the instant petition, seeking to suspend the sentence of imprisonment.

5. The learned counsel for the petitioner submitted that there are arguable points in the Criminal Criminal Revision Case. He further submitted that, the petitioner is in judicial custody from 11.01.2023 and



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hence, prayed for suspension of sentence.

6. Heard the learned counsel for the petitioner and 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 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the*

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(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.

22.02.2023

mst

To

1. The Principal Sessions Judge, Salem.
2. The Judicial Magistrate No.1, Sankari.
3. The Superintendent, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras, Chennai.
5. The Inspector of Police, Sankari Police Station.



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V.SIVAGNANAM, J.,

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