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Crl.M.P.No.3223 of 2023 in Crl.RC.No.426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3223 of 2023

in

Crl.RC.No.426 of 2023

Saravanan

... Petitioner

/vs/

The State,
represented by the Investigation Wing,
1/C, Sooramangalam,
Salem City

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence imposed in C.A.No.76 of 2022 on the file of the I Additional District and Sessions Judge, Salem, dated 14.12.2022, confirming the judgment of conviction imposed in C.C.No.481 of 2022 on the file of Chief Judicial Magistrate, Salem, dated 17.08.2022 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner ... Mr. Charles Kamalesh M.Appaji

For Respondent ... Mr.R. Vinothraja GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed in C.A.No.76 of 2022 on the file of the I



Additional District and Sessions Judge, Salem, dated 14.12.2022, confirming the judgment of conviction imposed in C.C.No.481 of 2022 on the file of Chief Judicial Magistrate, Salem, dated 17.08.2022 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

2. The trial Court, by its judgment dated 17.08.2022, convicted and sentenced the petitioner as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.279 IPC	To undergo RI for 3 years and a fine of Rs.500/-, in default in payment of fine, to undergo SI for 10 days
	U/s.337 IPC	To undergo RI for 3 months and a fine of Rs.500/-, in default in payment of fine, to undergo SI for 10 days
	U/s.304(A) IC	To undergo RI for one year and a fine of Rs.15,000/-, in default in payment, to undergo 3 months SI

The sentences were ordered to run concurrently.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in C.C.No.481 of 2022, the petitioner preferred C.A.No.76 of 2022 before the I Additional District and Sessions Judge, Salem, who, by his judgment dated 14.12.2022, confirmed the conviction and sentence



imposed by the trial court. Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. 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. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

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 and bail is granted to the petitioner 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 is ordered to be



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released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Chief Judicial Magistrate, Salem.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

(iii) The petitioner shall appear before the trial Court as and when required.

06.03.2023

msr

To

- 1.The Chief Judicial Magistrate, Salem.
2. The I Additional District and Sessions Judge, Salem,
3. The Investigation Wing,
1/C, Sooramangalam,
Salem City
4. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.



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