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*Crl.M.P.No.3081 of 2023 in
Crl.R.C.No.401 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.3081 of 2023

in

Crl.R.C.No.401 of 2023

Sanjay P.Bisani

... Petitioner

Vs.

The State, rep. by
The Inspector of Police,
W-25, All Women Police Station,
Chennai.

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 (1) Cr.P.C., to suspend the sentence of imprisonment imposed in C.C.No.7093/2007 by the learned XVII Metropolitan Magistrate, Saidapet which has been confirmed in the judgment dated 10.02.2023 in Crl.A.No.325 of 2018 passed by the learned XVII Additional City Civil Court, Chennai, pending disposal of the present Criminal Revision Case.

For Petitioner

: Mr.M.L.Joseph

For M/s.Chennai Law Associates

For Respondent

: Mr.V.Meganathan,

Government Advocate (Crl. Side)



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner/1st accused by the Trial Court in C.C.No.7093/2007, vide judgement dated 05.06.2018, which was confirmed by the first Appellate Court in in Crl.A.No.325 of 2018, vide judgment dated 10.02.2023, pending disposal of the Criminal Revision Petition.

2. The Trial Court, vide its judgment dated 05.06.2018, acquitted the petitioner/1st accused for the offence punishable under Section 294(b) I.P.C., however convicted for the offences punishable under Sections 498 A & 506(ii) I.P.C., and sentenced him as under:

Conviction under Section	Sentence
498 A I.P.C.	Simple Imprisonment for 3 years and to pay a fine of Rs.5,000/- and in default Simple Imprisonment for 6 months
506(ii) I.P.C	Simple Imprisonment for 3 years and to pay a fine of Rs.5,000/- and in default Simple Imprisonment for 6 months

3. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.325/2018 before the learned XVII Additional City



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Civil Court, Chennai and the learned Judge by judgment dated 10.02.2023, confirmed the Trial Court Judgment.

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 XVII 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



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WEB COPY **To**

- 1.The XVII Additional City Civil Court, Chennai.
- 2.The XVII Metropolitan Magistrate, Saidapet, Chennai.
- 3.The Inspector of Police,
W-25, All Women Police Station,
Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

rpl

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**02.03.2023
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