



*Crl.MP No.3210 of 2023 in
Crl.A.228 of 2023*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2023

CORAM:
THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.MP No.3210 of 2023 in
Crl.A.No.228 of 2023

Anbalagan
S/o.Ganesan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Vikramangalam Police Station,
Ariyalur District.
(Crime No.07 of 2019)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the conviction and sentences imposed on the petitioner made in S.C.No.126 of 2019 dated 07.02.2023 on the file of the Principal District and Sessions Judge, Ariyalur and to release the petitioner on bail.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl. Side)

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the learned Principal District and Sessions Judge, Ariyalur in S.C.No.126 of 2019, vide judgement dated 07.02.2023, pending disposal of the Criminal Appeal.

2. The petitioner herein is the sole accused in the above said S.C.No.126 of 2019. The learned Principal District and Sessions Judge, Ariyalur, vide judgment dated 07.02.2023 in S.C.No.126 of 2019, convicted and sentenced the petitioner, as extracted hereunder:

Conviction and sentence imposed on the petitioner

Conviction under Section	Sentence
Sec.294 (b) IPC	3 months simple imprisonment
Sec.304(A) IPC	2 years simple imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months Simple Imprisonment.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl. side) appearing for the respondent.

5. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal. He further submitted that already, the petitioner has paid the fine amount and hence, prayed for suspension of sentence.

6. 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 Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the concerned 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



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executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate I, Jayankondam.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) the petitioner/appellant shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders;

03.03.2023

vum

Note: Issue order copy today (03.03.2023)

To

1. The Principal District and Sessions Judge, Ariyalur
2. The Judicial Magistrate I, Jayankondam
3. The Public Prosecutor, High Court, Madras.



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R.N.MANJULA, J.

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