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Crl.M.P.No.3417 of 2023 in Crl.RC.No.452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3417 of 2023

in

Crl.RC.No.452 of 2023

1. B. Satheesh
2. V. Balan Nair

... Petitioners

/vs/

State, represented by
The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights,
Chennai 600 006.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 (2) of Cr.P.C., to suspend the sentence imposed on the petitioners by judgment dated 14.02.2018 in C.C.No.6128 of 2008 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, till the disposal of the above criminal revision petition and enlarge the petitioners on bail.

For Petitioners ... Mr. P. Parthipan

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



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioners in C.C.No.6128 of 2008, dated 14.02.2018 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai, which was partly allowed by the VI Additional Sessions Judge, Chennai, vide his judgment dated 17.02.2023 made in Crl.A.No.100 of 2018, till the disposal of the above criminal revision petition and enlarge the petitioners on bail

2. The trial court, by its judgment dated 14.02.2018, convicted and sentenced the petitioners/A1 and A2 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 and A2	U/s.498(A) IPC	Each to undergo one year RI and each to pay a fine of Rs.1000/-, in default, each to undergo one month SI
	U/s.406 IPC	Each to undergo one year RI
	U/s.4 of the Dowry Prohibition Act	Each to undergo one year RI and each to pay a fine of Rs.1000/-, in default, each to undergo one month SI
	U/s.6 of the Dowry Prohibition Act	Each to undergo one year RI
The sentences of imprisonment imposed on the petitioners were ordered to run concurrently.		

3. Aggrieved over the judgment of conviction and sentence imposed on



the petitioners in C.C.No.6128 of 2008, the petitioners preferred C.A.No.100 of 2018 before the VI Additional Sessions Court, who, by his judgment dated 17.02.2023, modified the conviction and sentence imposed by the trial court, by acquitting the petitioners in respect of the charge under section 4 of Dowry Prohibition Act, however, in respect of other charges levelled against them under sections 498-A, 406 IPC and section 6 of Dowry Prohibition Act, the lower appellate court confirmed the conviction and sentences imposed by the trial court.

4. Challenging the above conviction and sentence imposed by the lower appellate court, the petitioners have filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail till the disposal of the criminal revision case.

5. The learned counsel for the petitioners 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 petitioners have every chance to succeed in this Criminal Revision Case. Thus, he prayed for



suspension of sentence till the disposal of this Criminal Revision Petition.

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6. Heard the learned counsel appearing for the petitioners and the learned Govt. Advocate (crl.side) appearing for the respondent and perused the materials available on record.

7. The petitioners have 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 petitioners are entitled to the relief of suspension of sentence and bail.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:

- (i) The petitioners shall surrender before the VI Additional Sessions Court, Chennai, within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each, along with two sureties, each for a like sum, to the satisfaction of the above said court.



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(ii) The petitioners 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 petitioners shall appear before the trial Court as and when required.

09.03.2023

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To

- 1.The VI Additional Sessions Court, Chennai.
2. The Chief Metropolitan Magistrate, Egmore, Chennai.
3. The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights,
Chennai 600 006.
4. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.

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