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Crl.M.P.No.3623 of 2023 in Crl.RC.No.479 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3623 of 2023

in

Crl.RC.No.479 of 2023

Manoharan

... Petitioner

/vs/

State, represented by
The Inspector of Police,
W16, All Women Police Station,
Chennai -12

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) and 439 of Cr.P.C., to suspend the sentence passed in C.A.No.12 of 2019 dated 12.12.2022 on the file of the XVII Additional Sessions Court, Chennai, modifying the judgment in C.C.No.1963 of 2010, dated 11.12.2018 on the file of the Chief Metropolitan Magistrate, Alikulam, Chennai and enlarge the petitioner on bail pending disposal the above criminal revision petition.

For Petitioner ... Mr.G.Jaisivaramaraj

For Respondent ... Mr.R.Vinothraja,
Government Advocate



ORDER

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This criminal miscellaneous petition has been preferred seeking to suspend the sentences imposed on the petitioner herein, by judgment and order dated 12.12.2022 passed in C.A.No.12 of 2019 by the XVII Additional Sessions Court, Chennai, modifying the judgment of conviction and sentence, dated 11.12.2018 imposed by the learned Chief Metropolitan Magistrate, Alikulam, Chennai in C.C.No.1963 of 2010 .

2. The petitioner, who is A1 in C.C.No.1963 of 2010 on the file of Chief Metropolitan Magistrate, Alikulam, Chennai, was convicted and sentenced as follows:

<i>Rank of petitioners</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	U/s.498(A) IPC	To undergo RI for one year.
	U/s.406 IPC	To undergo RI for one year
	U/s.506(2) IPC	To undergo RI for three years
	U/s.4 of the Dowry Prohibition Act	To undergo RI for one year.
	U/s.6 of the Dowry Prohibition Act	To undergo RI for one year.
The sentences imposed on each accused were ordered to run concurrently.		

3. Challenging the above conviction and sentence, the petitioner (A1)



and A2 have preferred an appeal in C.A.No.12 of 2019 before the XVII Additional Sessions Court, Chennai. In the said appeal, the learned Sessions Judge, by her order dated 12.12.2022, partly allowed by modifying the sentence imposed by the trial court in C.C.No.1963 of 2010 in respect of the petitioner (A1) extracted hereunder:

<i>Rank of petitioners</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	U/s.498(A) IPC	To undergo RI for one year.
	U/s.4 of the Dowry Prohibition Act	To undergo RI for one year.
	U/s.6 of the Dowry Prohibition Act	To undergo RI for one year.
	U/S.494 I.P.C	To undergo RI for one year, and to pay a fine of Rs.1,000/- in default, to undergo SI for three months.

4. Aggrieved against such conviction and sentence, the petitioners have filed the present criminal revision case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

5. The learned counsel for the petitioner submitted that after filing of the criminal revision, the respondent police arrested the petitioner and remanded him to Judicial Custody on 16.03.2023. He further 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. The learned counsel for the petitioner further submitted that the petitioner has paid the fine amount imposed by the appellate Court and hence, the substantive sentence of imprisonment imposed against the petitioner may be suspended and the petitioner may be enlarged on bail.

6. The learned Government Advocate (Crl.Side) appearing for the respondent fairly conceded that the petitioner has paid the fine amount imposed by the appellate Court on 16.03.2023.

7. Heard the learned counsel for the petitioner and learned Government Advocate (Crl.Side) and also perused the materials placed on record.

8. The petitioner has raised substantial grounds in the Criminal Revision Case which require detailed appraisal. Further, the Criminal Revision case 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.

9. Accordingly, till the disposal of the Criminal Revision Case, the suspension of sentence and bail are granted, on the following conditions:-

- (i) The petitioner is ordered to be released on bail on their 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 learned Chief Metropolitan Magistrate, Alikulam, Chennai
- (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;
- (iv) petitioner shall appear before the trial Court as and when required.

17.03.2023

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Note: Issue order copy on 20.03.2023



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To

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- 1.The XVII Additional Sessions Court, Chennai,
- 2.The Chief Metropolitan Magistrate, Alikulam, Chennai
3. The Inspector of Police, W16, All Women Police Station, Chennai -12
4. The Superintendent, Central Prison, Puzhal.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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