



Crl.MP No.6132 of 2023 in
Crl.RC.No.791 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE V.SIVAGNANAM

Crl.M.P.No.6132 of 2023
in Crl.RC.No.791 of 2023

Sathishkumar

... Petitioner

Vs.

The Sub Inspector of Police,
Attur Rural Police Station,
Salem District.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C. to suspend the sentence of imprisonment imposed in the order dated 17.02.2023 made in Crl.A.No.54 of 2022 on the file of the III Additional District Court, Salem confirmed the conviction in C.C.No.91 of 2021 dated 06.07.2022 on the file of the learned Judicial Magistrate-1 at Attur and enlarge the petitioner on bail.

For Petitioner : Mr.V.Gunasekar

For Respondent : Mr.R.Vinothraja
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 Judicial Magistrate No.I, Attur in C.C.No.91 of 2021, vide judgement dated 06.07.2022, which was confirmed by the learned III Additional Sessions Judge, Salem in Crl.A.No.54 of 2022, vide judgement dated 17.02.2023.

2.The Trial Court, by judgment dated 06.07.2022 in C.C.No.91 of 2021 acquitted the petitioner from the charges under Sections 341, 294(b) and 506(ii) IPC and convicted and sentenced the petitioner as extracted hereunder.

Rank of the accused	Conviction under Section	Sentence
Sole Accused	324 of I.P.C	To undergo simple imprisonment for 1 year and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one week.



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3.Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.54 of 2022 on the file of the III Additional Sessions Court, Salem and the learned III Additional Sessions Judge, Salem, vide judgment dated 17.02.2023, confirmed the judgment of the trial Court.

4.Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

5.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



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prayed for suspension of sentence till the disposal of this Criminal
Revision case.

6.Heard the learned counsel for the petitioner and learned
Government Advocate (Crl.Side) appearing for the respondent and
perused the materials available on record.

7.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.

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



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- (i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the learned Judicial Magistrate Court-I, Attur 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 his 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 Judicial Magistrate Court-I, Attur.
- (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.

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WEB COPY **To**

1. The III Additional Sessions Judge,
Salem
2. The Judicial Magistrate No.I, Attur
3. The Sub Inspector of Police,
Attur Rural Police Station,
Salem District.
4. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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