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Crl.M.P.No.4168 of 2023 in Crl.RC.No.560 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.M.P.No.4168 of 2023

in

Crl.RC.No.560 of 2023

1. Muneer
2. Gunasekaran .. Petitioners

Vs

The State, represented by
Food safety Officer,
Tiruppur. ... Respondent

Prayer: Criminal Revision Petition filed under section 397(1) Cr.P.C. to suspend the sentence imposed on the petitioner in C.A.No.81/2022 on the file of the Principal Sessions Judge at Tiruppur, dated 09.02.2023 confirming the conviction and sentence passed by the learned District Munsif cum Judicial Magistrate, Uthukuli in STC.No.14/2020, dated 20.06.2022 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case.

For Petitioners : Mr.S. Karthick

For Respondent : Mr. R. Vinothraja, GA (Crl.side)



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.A.No.81/2022 on the file of the Principal Sessions Judge at Tiruppur, dated 09.02.2023, confirming the conviction and sentence passed by the learned District Munsif cum Judicial Magistrate, Uthukuli in STC.No.14/2020, dated 20.06.2022 and enlarge the petitioners on bail, pending disposal of the above Criminal Revision Case.

2. Totally there were three accused in STC.No.14/2020. The petitioners herein are A2 and A3 respectively. The trial court, by its judgment dated 20.06.2022, convicted and sentenced the petitioners/A2 and A3 as follows;

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A2	U/s.63 of Food safety and Standards Act.	To undergo SI for one week and a fine of Rs.50,000/-, in default in payment of fine, to undergo three weeks further SI.
	U/s.52 of Food safety and Standards Act	To pay a penalty of Rs.20,000/-, in default in payment of penalty, to undergo SI for two weeks.
	u/s.59(i) of Food Safety and	To undergo SI for one week and a fine of Rs.20,000/-, in default in payment of fine,



<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
	Standards Act	to undergo two weeks SI.
A3	U/s.52 of Food safety and Standards Act	To pay a penalty of Rs.40,000/-, in default in payment of penalty, to undergo SI for three weeks.
	u/s.59(i) of Food Safety and Standards Act	To undergo SI for two weeks and a fine of Rs.40,000/-, in default in payment of fine, to undergo three weeks SI.

The sentences of imprisonment were ordered to run consecutively.

3. Aggrieved over the judgment of conviction and sentence imposed by the trial court, the petitioners/A2 and A3 have preferred Crl.A.No.81 of 2022 before the Principal Sessions Judge, Tiruppur, who, by his judgment dated 09.02.2023, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioners have filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. 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 and the entire fine amount has been paid. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

5. 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.

6. 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.

7. 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 District Munsif cum Judicial Magistrate, Uthukuli 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.

- (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.

27.03.2023

(3/3)

msr

To

1. The Principal Sessions Judge, Tiruppur.
2. The District Munsif cum Judicial Magistrate, Uthukuli.
3. The Food Safety Officer, Tiruppur District.
4. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.

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