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Crl.M.P.No.7552 of 2023 in Crl.RC.No.926 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.7552 of 2023

in

Crl.RC.No.926 of 2023

Mohandas

... Petitioner

/vs/

The State Inspector of Police,
CBCID, Salem, Salem District.
[Crime No.709 of 1997]

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 & 439 of Cr.P.C., to suspend the sentence imposed on the petitioner in C.A.No.63 of 2015 by the judgment dated 11.11.2022 on the file of the learned II Additional Sessions Judge, Salem confirming the Conviction and sentence passed by the trial Court in C.C.No.79 of 2005 by the judgment dated 19.03.2015 on the file of the Chief Judicial Magistrate, Salem.

For Petitioner

... Mr.R.T.Vijayaraaghavan

For Respondent

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



ORDER

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This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.A.No.63 of 2015 by the judgment dated 11.11.2022 on the file of the learned II Additional Sessions Judge, Salem confirming the Conviction and sentence passed by the trial Court in C.C.No.79 of 2005 by the judgment dated 19.03.2015 on the file of the Chief Judicial Magistrate, Salem.

2. The trial court, by its judgment dated 19.03.2015, convicted and sentenced the petitioner/A1 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	U/s.120B read with 408, 468, 471, 477A of IPC	To undergo 3 years RI and pay a fine of Rs.1000/-, in default to undergo SI for 6 months
	U/s.408 of IPC [2 counts]	To undergo 3 years RI for each count and pay a fine of Rs.1000/- for each count, in default to undergo SI for 6 months
	U/s.468 of IPC [2 counts]	To undergo 3 years RI for each count and pay a fine of Rs.1000/- for each count, in default to undergo SI for 6 months
	U/s.471 of IPC	To undergo 1 year RI and pay a fine of Rs.500/-, in default to undergo SI for 1 month



<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
	U/s. 477A of IPC	To undergo 3 years RI and pay a fine of Rs.1000/-, in default to undergo SI for 6 months

The sentences are to run concurrently and the detention period already undergone by the accused is Ordered to be set of under section 428 Cr.P.C.

Total fine amount Rs.6500/-.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in C.C.No.79 of 2005, the petitioner preferred C.A.No.63 of 2015 before the II Additional District Judge, Salem, who, by his judgment dated 11.11.2022, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. 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 the Courts below failed to consider several contradictions and inconsistencies in the evidence of the prosecution witnesses and prosecution has filed to



establish its case beyond all reasonable doubts. Hence, he would submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

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

6. 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.

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

- (i) The petitioner shall surrender before the Chief Judicial Magistrate, Salem 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 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 Trial Court.

- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial 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.

02.06.2023

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To

- 1.The Chief Judicial Magistrate, Salem.
2. The II Additional District and Sessions Judge, Salem.
3. The Inspector of Police,
CBCID, Salem.
5. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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