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CrI.M.P.No.3775 of 2023 in CrI.RC.No.492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.3775 of 2023

in

CrI.RC.No.492 of 2023

Kannan

... Petitioner

/vs/

State, represented by
The Inspector of Police,
Puduchathiram Police Station,
Namakkal.
(Cr.No.494/2017)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) Cr.P.C., to suspend the sentence made in judgment dated 01.02.2023 in CrI.A.No.40 of 2022, on the file of learned Special Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal, confirming the conviction and sentence made in the judgment dated 12.04.2022 in C.C.No.94 of 2018 on the file of the Judicial Magistrate No.II, Namakkal, pending disposal of the above Criminal Revision Petition.

For Petitioner

... Mr. W.Camyles Gandhi

For Respondent

... Mr.R.VinothRaja GA (crl.side)



ORDER

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2. The trial court, by its judgment dated 12.04.2022 convicted and sentenced the petitioner/accused as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.324 IPC	To undergo 6 months SI and a fine of Rs.1000/-, in default in payment of fine, to undergo one month SI
	U/s.506(ii) IPC	To undergo 3 months SI and a fine of Rs.1000/-, in default in payment of fine, to undergo one month SI
		Acquitted from the charges under sections 294(b) and 323 IPC

The sentence of imprisonments were ordered to run concurrently.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in C.C.No.94 of 2018, the petitioner preferred Crl.A.No.40 of



2022 before the Special Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal, who, by his judgment dated 01.02.2023, 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. There are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. He further submitted that the petitioner is a lorry driver earning daily wages for his livelihood and the petitioner's absence will seriously affect his family mentally and financially. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision.

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.



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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 Judicial Magistrate No.II, Namakkal 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 above said Court.
- (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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To

- 1.The Special Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal.
2. The Judicial Magistrate No.II, Namakkal.
- 3.The Inspector of Police,
Puduchathiram Police Station,
Namakkal.
4. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.

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