



WEB COPY



CrLMP No.3976 of 2023
in CrLRC.No.515 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.MP.NO.3976 OF 2023

IN

CRL.RC.NO.515 OF 2023

S.Nitharasan

... Petitioner

Vs.

State Rep. By its
The Inspector of Police
South Police Station
Tirupur District.
Crime No: 645/2022

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(3)(i) read with 439 Cr.P.C. to suspend the sentence and enlarge the petitioner on bail in C.A.No.43/2023, judgment dated 25.01.2023 made by the learned Principal Sessions Judge, Tirupur and in C.C.No.730 of 2022 judgment dated 13.12.2022 made by the learned Judicial Magistrate Court No.II at Tirupur, pending disposal of the present Criminal Revision Petition.

For Petitioner : Mr.Vimal Bobby Crimson
For Respondent : Mr.R.Vinoth Raja
Government Advocate (Criminal side)



WEB COPY



CrLMP No.3976 of 2023
in CrLRC.No.515 of 2023

ORDER

This Criminal Revision Petition has been filed by the petitioner to suspend the sentence imposed in C.C.No.730 of 2022 dated 13.12.2022 by the learned Judicial Magistrate, Tirupur and confirmed in C.A.No.43 of 2023 dated 25.01.2023 by the learned Principal Sessions Judge, Tirupur.

2. The learned counsel for the petitioner submitted that the vehicle involved in this case has not been identified and therefore, there is arguable point in favour of the petitioner and the petitioner is in judicial custody from 25.01.2023.

3. The learned Government Advocate (Criminal Side) submitted that the petitioner along with other accused, has attempted to commit robbery and hence, he seeks for dismissal of this petition.

4. Heard the submissions made on either side and perused the materials available on record.

5. The case of the prosecution is that the complainant is a



CrLMP No.3976 of 2023
in CrLRC.No.515 of 2023

Graduate. On 16.10.2022 at about 06.00 pm, while he had been to Nachipalayam to board bus at Usha Theatre Bus stop, two unknown persons riding in Honda Dio Royal Blue white colour, bearing Registration No.TN39-BU-3375, attempted to snatch his Oppo mobile phone. In that, the complainant holds the first accused and thereby he dragged about 50 meters and thereafter, he fell down and sustained injuries and immediately, he was admitted in Government College Hospital, Tirupur. The respondent police registered FIR in Crime No.645/2022 on 16.10.2022 for the offence under Section 394 IPC, against the accused persons and the petitioner was arrayed as A2. The Trial Court, after analysing evidence, sentenced the petitioner to undergo 3 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment. The petitioner preferred an appeal before the Lower Appellate Court and the Lower Appellate Court also dismissed the appeal preferred by the petitioner on 25.01.2023.

6. Considering the grave nature of the offence and the evidence adduced by the prosecution and also the fact that the petitioner is in custody from 25.01.2023, this Court is not inclined to grant the relief sought for by



CrL.MP No.3976 of 2023
in CrL.RC.No.515 of 2023

the petitioner and accordingly, dismissed the present petition.

WEB COPY

20.03.2023

(2/2)

TK

To

- 1.The Principal Sessions Judge
Tirupur.
- 2.The Judicial Magistrate No.II
Judicial Magistrate Court No.II
Tirupur.
- 3.The Public Prosecutor
High Court of Madras
Chennai.



WEB COPY



CrL.MP No.3976 of 2023
in CrL.RC.No.515 of 2023

V.SIVAGNANAM, J.

TK

CRL.MP.NO.3976 OF 2023
IN CRL.RC.NO.515 OF 2023

20.03.2023

(2/2)