



CRL.MP.NO.5520 OF 2023
IN CRL.RC.NO.709 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.MP.NO.5520 OF 2023

IN

CRL.RC.NO.709 OF 2023

Manibharathi

... Petitioner

Vs.

The State Rep. By the
Station House Officer
Kalapet Police Station
Puducherry.
Respondent

...

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C to suspend the sentence imposed in the order dated 14.02.2023 passed by the learned Sessions Judge, Puducherry, in CA No.44/2022 confirming the judgment dated 25.08.2022 in C.C.No.63/2017 on the file of Judicial Magistrate – II, Puducherry, convicting the petitioner / accused to undergo rigorous imprisonment for one year and an amount of Rs.50,000/- (Rupees Fifty Thousand only) was ordered as compensation, under Section 357(3) Cr.P.C. To PW-2 till the disposal of the above criminal revision and enlarge the petitioner on bail.

For Petitioner : Mr.J.Rajmohan

For Respondent : Mr.M.V.Ramachandramurthy
Addl. Public Prosecutor (Pondy)



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ORDER

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This Civil Miscellaneous Petition has been filed to suspend the sentence imposed in the order dated 14.02.2023 by the learned Sessions Judge, Puducherry, in CA No.44/2022, confirming the judgment dated 25.08.2022, in C.C.No.63/2017, on the file of learned Judicial Magistrate – II, Puducherry, convicting the petitioner / accused to undergo rigorous imprisonment for one year and an amount of Rs.50,000/- (Rupees Fifty Thousand only) was ordered as compensation, under Section 357(3) Cr.P.C. to PW-2 till the disposal of the above criminal revision and enlarge the petitioner on bail.

2.The petitioner herein is A1 in the above said C.C.No.63/2017. The case of the prosecution is that the respondent police registered a case in Crime No.19/2017 initially, under Sections 294(b), 323, 324 IPC r/w.34 IPC and after investigation, the same was altered into Sections 294(b), 323, 326 IPC r/w. 34 IPC. There is some wordy quarrel between the petitioner and the victim and the petitioner / A1 assaulted the victim and caused grievous injuries. The Trial Court, after analysing the oral and documentary evidence, came to the conclusion that the accused



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committed the offence under Section 326 IPC and convicted him to undergo rigorous imprisonment for one year and also directed to pay compensation of Rs.50,000/- to the victim and in default, to undergo two months simple imprisonment. Challenging the order of conviction and sentence, the petitioner / A1 filed an appeal in CA No.44 of 2022 and the Appellate Court also confirmed the judgment of the Trial Court.

3.Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4.The learned counsel for the petitioner / A1 submitted that there are arguable points in this Criminal Revision. He further submitted that the Appellate Court suspended the sentence imposed upon the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Pondicherry) for the respondent and perused the impugned judgment and the materials on record.



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6. Taking into consideration of the submission of the learned counsel appearing on either side, this Court finds that the petitioner has substantial grounds in this Criminal Revision, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, this Civil Miscellaneous Petition it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial Court 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate – II, Puducherry.



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(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court, as and when required.

20.04.2023

(2/2)

TK

To

- 1.The Principal Sessions Judge
Puducherry.
- 2.The Judicial Magistrate – II
Puducherry.
- 3.The Station House Officer
Kalapet Police Station, Puducherry.
- 4.The Public Prosecutor (Pondicherry)
High Court of Madras.



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V. SIVAGNANAM, J.

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