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Crl.MP.No.4894 of 2023
in Crl.RC.No.646 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.MP.NO.4894 OF 2023

IN

CRL.RC.NO.646 OF 2023

Karuppasamy @ Muthu

... Petitioner

Vs.

State through the Sub Inspector of Police
Paramathi Police Station
Crime No.157/2021

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 397(1) Cr.P.C. to suspend the execution of sentence passed by the Judicial Magistrate Court, Paramathi, in C.C.No.8 of 2021 dated 31.03.2021 and confirmed by the Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal order in C.A.No.113 of 2021 dated 18.07.2022 and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner : Mr.N.Saravanan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the execution of sentence passed by the learned Judicial Magistrate, Paramathi, in C.C.No.8 of 2021, dated 31.03.2021 and confirmed by the Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal, in C.A.No.113 of 2021 dated 18.07.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2.The petitioner is the third accused in C.C.No.8 of 2021 on the file of learned Judicial Magistrate, Paramathi, in which, he was convicted and sentenced to undergo Rigorous Imprisonment for three years for the offence under Section 458 IPC and to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for three months and for the offence under Section 342 IPC, to pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for three months and convicted and sentenced to undergo Rigorous Imprisonment for three years for the offence under Section 380 IPC. The sentences were ordered to run consecutively.



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3.The case of the prosecution is that on 26.02.2021 at 04.15 AM, accused 1 to 3, with an intention to commit theft, trespassed into Sethukkal Mariamman Kovil, Paramathy, Namakkal District and illegally detained the security man Ganesan and criminally intimidated him to do away and kept him locked in the room and keeping the second accused to guard the Security Ganesan, the first and third accused broke open the lock of the temple shrine and trespassed into shrine and stolen the silver crown and 1/2 sovereign “தாலிபொட்டு” and thereby, the accused 1 to 3 have committed the offences under Sections 458, 342, 380 and 380 r/w 34 IPC. The Trial Court, after analysing the oral and documentary evidence, found the accused were guilty for the offences under Sections 458, 342, 380 and 380 r/w 34 IPC and imposed the above sentence on 31.03.2021 in C.C.No.8 of 2021. Challenging the same, the petitioner / A3 filed an appeal in C.A.No.113 of 2021 and the same was dismissed on 18.07.2022.

4.In this case, totally there are three accused and the petitioner has committed robbery at public place and also threatened the general public showing knife and soda bottle with dire consequences. There are some



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arguable points in favour of the petitioner / A3 and hence, seeks to suspend the sentence and to grant bail till the disposal of the main Criminal Revision Case.

5.The learned Government Advocate (Criminal Side) vehemently opposed for grant of suspension of sentence and submitted that the Trial Court has rightly found the petitioner guilty of the offences and convicted him. Hence, he seeks for dismissal of this petition.

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

7.On perusal of the records, it is seen that the respondent police registered a case against the petitioner for the offences punishable under Sections 458, 342, 380 and 380 r/w 34 IPC. Before the Trial Court, prosecution examined 8 witnesses as P.W.1 to P.W.8 and Exs.P1 to P.9 were marked. The Trial Court considering the evidence let in by the prosecution and perusing the exhibits, held that the prosecution has proved the offences



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against the accused and hence, the Trial Court has rightly held the petitioner guilty of the offences and convicted him.

8.Considering the nature of the offence and the allegations levelled against the petitioner / A3, this Court finds no merit for suspending the sentence and to grant bail to the petitioner/A3. Accordingly, this Criminal Miscellaneous Petition is dismissed.

28.04.2023

(2/2)

TK

To

- 1.The Special Judge
Special Court for Trial of Cases Registered
under SC/ST (POA) Act
Namakkal.
- 2.The Judicial Magistrate
Paramathi.
- 3.The Sub Inspector of Police
Paramathi Police Station.

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V.SIVAGNANAM, J.
TK

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