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CRL.MP.NO.6193 OF 2023
IN CRL.RC.NO.797 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.MP.NO.6193 OF 2023

IN

CRL.RC.NO.797 OF 2023

Malliga

... Petitioner

Vs.

The State Represented by
The Inspector of Police
K-1, Sembiam Police Station
Chennai District.
(Crime No.1046 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C to suspend the sentence imposed in C.A.No.107 of 2022 on the file of IV Additional Sessions Judge, City Civil Court, Chennai, dated 02.03.2023 confirming the judgment made in C.C.No.9708 of 2017 on the file of V Metropolitan Magistrate Court, Egmore, Chennai, dated 23.05.2022 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : M/s.Karan and Uday

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

ORDER



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This Civil Miscellaneous Petition has been filed to suspend the sentence imposed in C.A.No.107 of 2022 on the file of IV Additional Sessions Judge, City Civil Court, Chennai, dated 02.03.2023 confirming the judgment made in C.C.No.9708 of 2017 dated 23.05.2022 on the file of V Metropolitan Magistrate Court, Egmore, Chennai and enlarge the petitioner on bail pending disposal of the above appeal.

2.The petitioner herein is the accused in C.C.No.9708/2017. The case of the prosecution is that the respondent police registered a case in Crime No.1046 of 2016 initially, under Sections 341, 294(b), 324 and 506 (ii) IPC and after investigation, final report was filed under Sections 341, 294(b), 324 and 506(ii) IPC. There is some wordy quarrel between the petitioner and the victim and the petitioner / accused assaulted the victim on her head with the Temple bell and caused injuries. The Trial Court, after analysing the oral and documentary evidence, came to the conclusion that the accused committed the offence under Section 324 IPC and convicted and sentenced the accused to undergo five months Simple Imprisonment. Challenging the order of conviction and sentence, the petitioner/accused filed an appeal in CA No.107 of 2022 and the Appellate



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Court also confirmed the judgment of the Trial Court.

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

4.The learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence as alleged by the prosecution and that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent and perused the impugned judgment and the materials on record.

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, till the disposal of the Criminal Revision, the



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suspension of sentence and bail are granted to the petitioner, on the following conditions:-

(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 her 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 V Metropolitan Magistrate Court, Egmore, Chennai.

(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



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Court, as and when required.

8.The Criminal Miscellaneous Petition is ordered accordingly.

28.04.2023

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TK

To

- 1.The IV Additional Sessions Judge
City Civil Court
Chennai.
- 2.The V Metropolitan Magistrate
Egmore,
Chennai.
- 3.The Inspector of Police
K-1, Sembiam Police Station
Chennai District.
- 4.The Public Prosecutor
High Court of Madras.



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V. SIVAGNANAM, J.

TK

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28.04.2023

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