



Crl.M.P.No.4296 of 2023 in Crl.R.C.No.574 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.4296 of 2023

in

Crl.R.C.No.574 of 2023

Marimuthu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 23.02.2023 made in C.A.No.73 of 2022 on the file of the learned Principal Sessions Court, Tiruppur, confirming the conviction imposed in the judgment dated 03.06.2022 made in C.C.No.25 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Uthukuli (Old C.C.No.272 of 2016 on the file of the Judicial Magistrate, Avinashi) and enlarge the petitioner on bail pending disposal of the above revision peition.



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For Petitioner : Mr.N.Manoharan
For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned District Munsif cum Judicial Magistrate, Uthukuli in C.C.No.25 of 2019, vide judgement dated 03.06.2022, which was confirmed by the learned Principal Sessions Court, Tiruppur in Crl.A.No.73 of 2022, vide judgment dated 23.02.2023, pending disposal of the Criminal Revision Case.

2. The Trial Court, vide its judgment dated 03.06.2022, convicted the accused for the offence under Section 279 and 304A I.P.C., and sentenced him as under:

Conviction under Section	Sentence
279 IPC	To undergo Simple Imprisonment for one month and fine of Rs.1,000/-, in default to undergo further period of 2 weeks S.I.
304(A) IPC	To undergo Simple Imprisonment for



Conviction under Section	Sentence
	1 year and to pay fine of Rs.10,000/-, in default simple imprisonment for 1 month.

3. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.73 of 2022 before the learned Principal Sessions Court, Tiruppur and the learned Judge vide judgment dated 23.02.2023 confirmed the judgment of the Trial Court.

4. Challenging the conviction and sentence slapped by the Trial Court and the first Appellate Court, the petitioner is before this Court.

5. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Case. He further submitted that fine amount has already been paid and the petitioner is under custody and hence, prayed for suspension of sentence.



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6. Heard the learned Government Advocate (Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

7. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

8. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner ***shall execute 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 District Munsif cum Judicial Magistrate, Uthukuli.***



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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.

28.03.2023

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To

1. The District Munsif cum Judicial Magistrate, Uthukuli.
2. The Superintendent, Central Prison, Coimbatore.
3. The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

rpl

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