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Crl.M.P.No.5779 of 2023 in Crl.RC.No.746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.5779 of 2023

in

Crl.RC.No.746 of 2023

K. Natarajan

... Petitioner

/vs/

The State, represented by its
Inspector of Police,
Magudanchavadi Police Station,
Salem District.
Crime No.72 of 2016

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 482 of Cr.P.C., to suspend the execution of the sentence dated 28.02.2023 passed in C.A.No.11 of 2021 by the III Additional Sessions Judge, salem, confirming the judgment and sentence in C.C.No.148 of 2018 on the file of the Judicial Magistrate No.II, Sankari, dated 03.02.2021 and acquit the petitioner from all the charges and enlarge the petitioner on bail, pending disposal of the revision.

For Petitioner

... Mr.C.B. Murali Krishnan
for Mr.S.Varanesh

For Respondent

... Mr.R. Vinothraja
Govt. Advocate (crl.side)



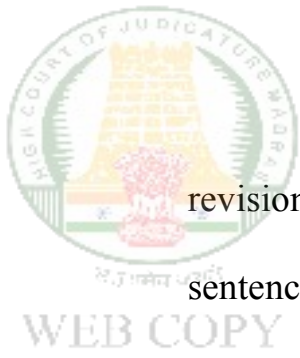
ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.C.No.148 of 2018, dated 03.02.2021 by the Judicial Magistrate No.II, Sankari, which was confirmed by the judgment of the III Additional Sessions Judge, Salem, dated 28.02.2023 in C.A.No.11 of 2021 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2. The petitioner, who is the sole accused in C.C.No.148 of 2018 is convicted and sentenced by the trial court, by its judgment dated 03.02.2021 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.279 IPC	To pay Rs.1000/- as fine, in default in payment of fine, to undergo one month SI
	U/s. 304(A) IPC	To undergo one year SI.

3. The conviction and sentence imposed by the trial court is confirmed by the III Additional Sessions Judge, Salem in Crl.A.No.11 of 2021. Aggrieved over the same, the petitioner has filed the present criminal



revision, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. He further submitted that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal Revision. Further, the petitioner is a poor bus driver and he is the sole breadwinner of his family. The fine amount was already paid and he is now under judicial custody. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision.

5. Heard learned counsel for the petitioner and the learned Govt. Advocate (crl.side) appearing for the respondent.

6. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. Considering the nature of the offence and the petitioner is under incarceration and he is the sole breadwinner of his family, which is not supported by the petitioner, this Court is of the view that the petitioner is



entitled to the relief of suspension of sentence and bail.

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7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Judicial Magistrate No.2, Sankari.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the abovesaid Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

25.04.2023

msr

To

- 1.The Judicial Magistrate No.2, Sankari.
2. The III Addl. Sessions Judge, Salem.
3. The Inspector of Police,



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Magudanchavadi Police Station,Salem District.

4.The Public Prosecutor, High Court, Madras.

5. The Superintendent, Central Prison,

Salem.

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V.SIVAGNANAM, J.

msr

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