



Crl.M.P.No.5047 of 2023
in Crl.R.C.No.672 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.M.P.No.5047 of 2023
in Crl.R.C.No.672 of 2023

Chinnathambi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
(Crime No.80/2016)

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973 to suspend the sentence made in judgment dated 05.12.2020 in Crl.A.No.342/2018 on the file of learned V Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence made in the judgment dated 17.07.2018 in C.C.No.367/2016 on the file of Judicial Magistrate No-II, Coimbatore and enlarge on bail, pending disposal of the revision petition.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.J.Subbiah, GA (Crl.Side)

ORDER

This criminal miscellaneous petition has been filed seeking to suspend the execution of sentence in Crl.A.No.342 of 2018 on the file of



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the learned V Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence made in the judgment dated 17.07.2018 in C.C.No.367/2016 on the file of Judicial Magistrate No-II, Coimbatore, pending disposal of the revision petition.

2. The present revision petitioner, the second accused in C.C.No.367/2016 on the file of Judicial Magistrate No-II, Coimbatore, was convicted and sentenced as follows on 17.07.2018 :

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 457 IPC	Rigorous imprisonment for one year each and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for one month
2	Section 380 r/w 34 IPC	Rigorous imprisonment for two years each and to pay a fine of Rs.3,000/- in default to undergo simple imprisonment for one month

The aforesaid sentences were ordered to run concurrently.

3. Aggrieved over the judgment passed by the trial court, the second accused filed an appeal in Crl.A.No.342 of 2018 before the



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learned V Additional District and Sessions Judge, Coimbatore and the same was dismissed vide orders dated 05.12.2020, confirming the judgment passed by the trial court.

4. Now the present revision petitioner/second accused filed the criminal revision in Crl.R.C.No.672/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Heard, Mr.W.Camyles Gandhi, learned counsel for the revision petitioner and Mr.J.Subbiah, learned Government Advocate (Crl. Side), for the respondent.

6. Mr.W.Camyles Gandhi, learned counsel for the revision petitioner contended that the present accused had been convicted for a period of two years and that he has been in prison for the past 15 months. Therefore, he prayed for suspension of sentence.



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7. Per contra, learned Government Advocate (Crl. Side), for the respondent contended that the present revision petitioner had apprehended in four criminal cases.

8. However, considering the period of incarceration of the present accused for a period of 15 months, this criminal miscellaneous petition is allowed and the sentence is suspended, however, subject to the following conditions:

- i. The petitioners shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No-II, Coimbatore
- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iii. The petitioners shall appear before the respondent/police everyday at 10.30 a.m. for a period



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of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.
mtl

To

- 1.The V Additional District and Sessions Judge, Coimbatore.
- 2.The Judicial Magistrate No-II, Coimbatore.
- 3.The Central Prison, Coimbatore.
- 4.The Section Officer, Criminal Section, High Court, Madras.

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