



Crl.MP No.5268 of 2023 in
Crl.RC.No.683 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE V.SIVAGNANAM

Crl.M.P.No.5268 of 2023
in Crl.RC.No.683 of 2023

Varadharajan

... Petitioner

Vs.

State by
The Inspector of Police,
Central Crime Branch – III,
Egmore, Chennai 600 008

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner in C.C.No.60 of 2007 dated 14.09.2021 on the file of the Judicial Magistrate No.I, Poonamallee as confirmed by the judgment of the learned III Additional District and Sessions Court, Thiruvallur at Poonamallee in C.A.No.67 of 2021 dated 23.09.2022.



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Crl.MP No.5268 of 2023 in
Crl.RC.No.683 of 2023

For Petitioner : Mr.A.P.Sathya Murthy
For Respondent : Mr.R.Vinothraja
Government Advocate(Crl.side)

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.I in C.C.No.60 of 2007, vide judgement dated 14.09.2021, which was confirmed by the learned III Additional District and Sessions Judge, Thiruvallur at Poonamallee in Crl.A.No.67 of 2022, vide judgement dated 23.09.2022.

2.The Trial Court, by judgment dated 14.09.2021 passed in C.C.No.60 of 2007 convicted and sentenced the petitioner as extracted hereunder.

Rank of the accused	Conviction under Section	Sentence
Sole	465 of I.P.C	The accused shall undergo



WEB COPY



Crl.MP No.5268 of 2023 in
Crl.RC.No.683 of 2023

Rank of the accused	Conviction under Section	Sentence
Accused		rigorous imprisonment for 3 months.
	468 r/w 471 of I.P.C	The accused shall undergo rigorous imprisonment for 6 months and to pay a fine of Rs.2,500/- in default to undergo simple imprisonment for 1 month.
	420 of I.P.C	The accused shall undergo rigorous imprisonment for 6 months and to pay a fine of Rs.2,500/-, in default, to undergo simple imprisonment for 1 month.

3.Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.67 of 2021 on the file of the III Additional District and Sessions Court, Tiruvallur at Poonamallee and the learned III Additional District and Sessions Judge, Tiruvallur at Poonamallee, vide judgment dated 23.09.2022, confirmed the judgment of the trial Court.



Crl.MP No.5268 of 2023 in
Crl.RC.No.683 of 2023

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Court and the lower Appellate Court, the petitioner is before this Court.

5.The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.

6.Heard the learned counsel for the petitioner and learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.



Crl.MP No.5268 of 2023 in
Crl.RC.No.683 of 2023

WEB COPY 7.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. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

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

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the learned Judicial Magistrate Court-I, Poonamallee 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 his 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 learned Judicial Magistrate Court-I, Poonamallee.



Crl.MP No.5268 of 2023 in
Crl.RC.No.683 of 2023

WEB COPY

- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above said 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.

18.04.2023
(1/2)

srn

To

1. The III Additional District and Sessions Court,
Thiruvallur at poonamallee.
2. The Judicial Magistrate No.I, Poonamallee
3. The Inspector of Police,
Central Crime Branch – III, Egmore, Chennai 600 008
4. The Public Prosecutor, High Court of Madras, Chennai.



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Crl.MP No.5268 of 2023 in
Crl.RC.No.683 of 2023

V.SIVAGNANAM, J.,
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Crl.M.P.No.5268 of 2023
in
Crl.RC.No.683 of 2023

18.04.2023
(2/2)