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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.MP.NO.5668 OF 2023
IN
CRL.RC.NO.731 OF 2023

Raja @ Magaraja ... Petitioner

Vs.

State Rep. By the Inspector of Police
Rural Police Station
Nallur, Tiruppur District.
Crime No.547 of 2019 ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C., to suspend the sentence imposed in S.C.No.20 of 2021 on the file of the Assistant Sessions Judge, Tiruppur by judgment dated 13.12.2022 partly confirming the judgment made in C.A.No.46 of 2023 on the file of the Principal Sessions Judge, Tiruppur, judgment dated 09.03.2023.

For Petitioner ... Mr.C.S.Saravanan

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

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O R D E R

This Criminal Miscellaneous Petition has been preferred by the petitioner seeking to suspend the sentence imposed in the judgment dated 13.12.2022 passed in S.C.No.20 of 2021 by the learned Assistant Sessions Judge, Tiruppur, which was partly confirmed in the judgment dated 09.03.2023 passed in C.A.No.46 of 2023 by the learned Principal Sessions Judge, Tiruppur.

2.The Trial Court, by its judgment dated 13.12.2022 in S.C.No.20 of 2021 convicted and sentenced the petitioner / A1 as follows;

Petitioner's Rank	***Provision under which convicted***	***Sentence***
A1	341, 294(b), 307 IPC	Seven years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for one month and u/s.294(b) for one month, u/s.341 for one month.
The imprisonment already undergone by the accused person is ordered to be set off.		

3.The petitioner, who is the first accused in S.C.No.20 of 2021, aggrieved over the judgment of conviction and sentence imposed on him, has filed the present Criminal Revision Case along with the instant

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miscellaneous petition, seeking suspension of sentence and to enlarge him on bail.

4.The learned counsel for the petitioner submitted that the petitioner is the first accused. The charges levelled against the petitioner/A1 is that one Karthikeyan, belongs to Tiruppur, Pazhavanjipalayam was working as an employee in TASMAC Shop No.3981 in the Bar as a supplier and used to stay in the said shop. He helped the accused in procuring liquor by lending money sometimes. On 01.11.2019, while he was returning to his native, the accused came in their two wheeler bearing Registration No.TN47-AF-6115 Red and Black Honda Dream and on seeing the said Karthikeyan, they stopped the vehicle and demanded him money. When it was refused by the said Karthikeyan, the accused way laid him and stabbed him with Brandy bottle on his neck and thereby caused injury. The respondent police registered a case in Crime No.547 of 2019 for offences under Sections 294(b), 341 and 307 IPC. The learned Judicial Magistrate No.IV has taken the case on file on 12.02.2020 as PRC No.8/2020 and the case was made over to the Principal Sessions Court, Tiruppur, which was in-turn made

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over to the Principal Subordinate Court, Tiruppur for further proceedings. After analysing oral and documentary evidence, the Trial Court convicted the accused and sentenced him to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for one month and under Section 294(b) for one month and under Section 341 for one month. Challenging the same, the petitioner preferred an appeal in CA.No.46/2023 and the same was partly allowed on 09.03.2023. Now the petitioner is confined in Central Prison, Coimbatore and thus, he seeks to suspend the sentence and to enlarge the petitioner on bail.

5.The learned Government Advocate (Criminal Side) for the respondent objected to suspend the sentence, but admitted that the petitioner is confined in Central Prison, Coimbatore.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) and perused the entire materials available on record.

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7.The petitioner has raised substantial grounds in the Criminal Revision, which require detailed appraisal. Further, the Criminal 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 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 No.IV, Tiruppur.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

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(iii) The petitioner shall appear before the trial Court as and when required.

24.04.2023

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TK

To

1.The Principal Sessions Judge
Tiruppur.

2.The Assistant Sessions Judge
Tiruppur.

3.The Inspector of Police
Rural Police Station
Nallur, Tiruppur District.

4.The Superintendent
Central Prison
Coimbatore.

5.The Public Prosecutor
High Court of Madras.

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V.SIVAGNANAM, J.

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