



Crl.MP No.5028 of 2023 in
Crl.A.No.393 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE V.SIVAGNANAM

Crl.M.P.No.5028 of 2023

in

Crl.A.No.393 of 2023

Abdul Rasheed

... Petitioner

Vs.

State by
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District
(Crime No.435 of 2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C to suspend the conviction and sentence imposed on the petitioner made in S.C.No.174 of 2019 dated 10.03.2023 on the file of III Additional District and Sessions Judge, Kallakurichi and to release the petitioner on bail.

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For Petitioner : Mr.S.Mohammed Abbas
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned III Additional District and Sessions Judge, Kallakurichi in S.C.No.174 of 2019, vide judgement dated 10.03.2023.

2.The Trial Court, by judgment dated 10.03.2023 in S.C.No.174 of 2019 convicted and sentenced the petitioner as extracted hereunder.

Rank of the accused	Conviction under Section	Sentence
Accused-1	419 of I.P.C	The accused shall undergo simple imprisonment for 1 year and to pay fine of Rs.5,000/- in default to undergo simple imprisonment for 3 months.



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Rank of the accused	Conviction under Section	Sentence
Accused-1	Section 304(ii) I.P.C	The accused shall undergo simple imprisonment for 3 years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for 6 months.
Accused-1	Section 15(2)(b) of the Indian Medical Council Act,1956	The accused shall pay a fine of Rs.250/-, in default, to undergo simple imprisonment for 1 month.
Accused-1	Section 6 of the Indian Medical Degrees Act, 1916	The accused shall undergo simple imprisonment for 6 months and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 1 month.

3.Challenging the judgment of conviction and sentence, the petitioner preferred the present Criminal Appeal along with the instant petition, seeking to suspend the sentence of imprisonment.



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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 would further submit that there are arguable points in this Appeal and the petitioner has every chance to succeed in this Criminal Appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5.Heard the learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.The petitioner has raised substantial grounds in the Appeal which require detailed appraisal. Further, the Appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of



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the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. 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 III Additional District Judge, Kallakurichi 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 III Additional District Judge, Kallakurichi.
- (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;



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

25.04.2023

srn

To

1. The III Additional District and Sessions Judge, Kallakurichi.
2. The Inspector of Police, Chinnasalem Police Station,
Kallakurichi District.
3. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,
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