



WEB COPY



CRL.MP.NO.5506 OF 2023 IN CRL.RC.NO.706 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.MP.NO.5506 OF 2023

IN

CRL.RC.NO.706 OF 2023

Palaniyandi @ TSP Durai

... Petitioner

Vs.

State by:

The Inspector of Police
Vanur Police Station
Villupuram District.
Cr.No.32/2012

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C., to suspend the sentence in C.A.No.14 of 2023 dated 29.03.2023 passed by the learned I Additional District and Sessions Judge, Tindivanam (Learned II Additional District and Sessions Judge, Full Additional Charge Tindivanam) confirming the judgment passed in C.C.No.16 of 2013 dated 02.02.2023 by the learned Judicial Magistrate, Vanur, release the petitioner on bail until disposal of the above Criminal Revision.

For Petitioner ... Mr.K.Selvakumaraswami

For Respondent ... Mr.A.Gokulakrishnan
Additional Public Prosecutor



CRL.MP.NO.5506 OF 2023 IN CRL.RC.NO.706 OF 2023

ORDER

WEB COPY

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence passed in C.A.No.14 of 2023 dated 29.03.2023 by the learned I Additional District and Sessions Judge, Tindivanam (Learned II Additional District and Sessions Judge, Full Additional Charge, Tindivanam) confirming the judgment passed in C.C.No.16 of 2013 dated 02.02.2023 by the learned District Munsif cum Judicial Magistrate, Vanur and release the petitioner on bail until disposal of the above Criminal Revision.

2.The Trial Court, by its judgment dated 02.02.2023 in C.C.No.16 of 2013, convicted and sentenced the petitioner / A1 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	323 IPC 341 IPC 355 IPC	Six months simple imprisonment One month simple imprisonment One year simple imprisonment
All the period of sentences shall run concurrently		

3.The petitioner, who is the first accused in C.C.No.16 of



CRL.MP.NO.5506 OF 2023 IN CRL.RC.NO.706 OF 2023

2013, aggrieved over the judgment of conviction and sentence imposed on him, has filed the present Criminal Revision along with the instant miscellaneous petition, seeking suspension of sentence and to enlarge him on bail.

4.The learned counsel for the petitioner submitted that the respondent police prosecuted the petitioner for the offences under Sections 323, 341 and 355 IPC. After trial, the Trial Court found the petitioner guilty of the offences and convicted and sentenced him to undergo six months simple imprisonment for the offence under Section 323 IPC; and sentenced him to undergo one month simple imprisonment for the offence under Section 341 IPC; and sentenced him to undergo one year simple imprisonment for the offence under Section 355 IPC; and ordered that all the period of sentences shall run concurrently. Challenging the same, the petitioner filed an appeal in Criminal Appeal No.14 of 2023 before the Appellate Court and the Appellate Court has also confirmed the same. Challenging the same, the petitioner is before this Court.

5.The learned Additional Public Prosecutor for the respondent



CRL.MP.NO.5506 OF 2023 IN CRL.RC.NO.706 OF 2023

objected to suspend the sentence. However, he admits that the petitioner is confined in Central Prison, Cuddalore.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the entire materials available on record.

7. On perusal of the records, it is noticed that the alleged video taken by the petitioner / accused is not produced by the prosecution before the Trial Court and that the petitioner has raised substantial grounds in the Criminal Revision, which require detailed appraisal. Further, there is some arguable point in favour of the accused. Considering the nature of the offence and the punishment and non-production of the alleged video before the Trial Court, this Court is inclined to grant the relief of suspension of sentence and bail to the petitioner.

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



WEB COPY



CRL.MP.NO.5506 OF 2023 IN CRL.RC.NO.706 OF 2023

(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, Vanur.

(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.

20.04.2023

(2/2)

TK

To

1.The I Additional District and Sessions Judge, Tindivanam
(II Additional District and Sessions Judge, Full Additional Charge



CRL.MP.NO.5506 OF 2023 IN CRL.RC.NO.706 OF 2023

Tindivanam)

- 2.The Superintendent
Central Prison
Cuddalore.
- 3.The Inspector of Police
Vanur Police Station
Villupuram District.
- 4.The Public Prosecutor
High Court of Madras.



WEB COPY



CRL.MP.NO.5506 OF 2023 IN CRL.RC.NO.706 OF 2023

V.SIVAGNANAM, J.

TK

CRL.MP.NO.5506 OF 2023
IN CRL.RC.NO.706 OF 2023

20.04.2023

(2/2)