



CrI.MP No.5987 of 2023 in
CrI.A.No.481 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE V.SIVAGNANAM

CrI.M.P.No.5987 of 2023
in CrI.A.No.481 of 2023

Ramesh

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Shevapet Police Station,
Salem District.
(Crime No.531 of 2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence of the petitioner imposed by judgment dated 13.04.2023 passed by the learned II Additional District and Sessions Judge, Salem in S.C.No.223 of 2018 and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.L.Mouli

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 II Additional District and Sessions Judge, Salem, in S.C.No.223 of 2018, vide judgement dated 13.04.2023.

2.The Trial Court, by judgment dated 13.04.2023 in S.C.No.223 of 2018 acquitted the petitioner from the charges under Sections 294(b) I.P.C and convicted and sentenced the petitioner as extracted hereunder.



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Rank of the accused	Conviction under Section	Sentence
Sole Accused	427 of I.P.C	To undergo rigorous imprisonment for 2 years and to pay fine of Rs.25,000/- in default to undergo simple imprisonment for 3 months, in default to undergo further period of 6 months simple imprisonment.

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.

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.



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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 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



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the II Additional District and Sessions Judge, Salem 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 II Additional District and Sessions Judge, Salem.

- (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.

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Note: Issue order copy on 28.04.2023

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1. The II Additional District and Sessions Judge, Salem.
2. The Inspector of Police, Shevapet Police Station,
Salem District.
3. The Public Prosecutor, High Court of Madras, Chennai.

V.SIVAGNANAM, J.,

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