



*Crl.M.P.No.7458 of 2023 in
Crl.A.No.569 of 2023*

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.7458 of 2023 in
Crl.A.No.569 of 2023

Thasikumar @ Chinna @ Sharma @Vinoth ... Petitioner

Vs.

The State: rep. by the Inspector of Police,
Erode Q Branch CID
Crime No.1/2020 ... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the sentence imposed in S.C.No.138 of 2022 dated 09.03.2023 by the Principal District and Sessions Court, Tiruppur and enlarge the appellant on bail while pending of the above Criminal Appeal.

For Petitioner : Mr.D.Mario Johnson

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Principal District and Sessions Judge, Tiruppur, in S.C.No.138 of 2022, vide judgement dated 09.03.2023.

2.The Trial Court, by judgment dated 09.03.2023 in S.C.No.138 of 2022 convicted the petitioner for the offence punishable under Section 3(2)(b) r/w 14(A)(b) of Foreigners Act, 1946 and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.10,000/- (Rupees ten thousand only), in default, to undergo 3 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.



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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.The learned Additional Public Prosecutor appearing for the respondent that the petitioner is a citizen of Sri Lanka and he over stayed in India, without any valid documents.

6.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor and perused the impugned judgments and the materials on record.

7.The petitioner has raised substantial grounds in the Appeal which require detailed appraisal. Further, the Appeal is not likely



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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, it is ordered as follows:

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner *shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Principal District Sessions Judge, Tiruppur.*

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) **The petitioner being the Foreigner, Citizen of Sri Lanka, after release from the prison, he shall stay in the Camp,**



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as per the Rules prevailing over the State of Tamilnadu and the

Government of India.

(iv) The petitioner shall appear before the Trial Court as and
when required.

**01.06.2023
(2/2)**

Index: Yes/No
Internet: Yes/No

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To

1. The Principal District Sessions Judge, Tiruppur.
2. The Central Prison-I, Puzhal, Chennai.
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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