



Crl.M.P.No.6547 of 2023 in Crl.RC.No.853 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6547 of 2023

in

Crl.RC.No.853 of 2023

Pazhanivel

... Petitioner

/vs/

State by
the Inspector of Police,
Valavanur Police Station,
Villupuram District
Cr.No.848 of 2017

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence passed by the learned Judicial Magistrate-II, Villupuram in C.C.No.26 of 2018, dated 23.03.2022 which was modified by the judgment in C.A.No.20 of 2022, dated 18.02.2023 by the learned Additional District and Sessions Judge-Fast Track Court, Villupuram, pending disposal of the Revision and enlarge the petitioner on bail.

For Petitioner ... Mr.N. Velmurugan

For Respondent ... Mr.R. Vinothraja GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed in C.A.No.20 of 2022 by the Additional



District and Sessions Judge, Fast Track Court, Villupuram by the judgment dated 18.02.2023, modifying the judgment of conviction and sentence imposed in C.C.No.26 of 2018 by the Judicial Magistrate No.II, Villupuram, by his judgment dated 23.03.2022 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

2. The trial Court, by its judgment dated 23.03.2022, convicted and sentenced the petitioner as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.279 IPC	To undergo SI for 6 months
	U/s.337 IPC (3 counts)	To undergo SI for 6 months for 3 months and a fine of Rs.500/-, in default in payment of fine, to undergo SI for two weeks
	U/s.304(A) IPC	To undergo SI for one year

The sentences were ordered to run concurrently.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in C.C.No.26 of 2018, the petitioner preferred C.A.No.20 of 2022 before the Additional District and Sessions Judge, Fast Track Court,



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Villupuram, who, by his judgment dated 18.02.2023, upheld and confirmed the conviction imposed by the trial court u/s.279, 337(3 counts) and 304(A) IPC, but modified the sentence imposed for the offence under sections 279 and 337(3 counts) IPC to 3 months SI for each offence and for the offence u/s.304(A) IPC, the sentence is reduced to SI for six months. Challenging the above conviction and sentence imposed by the appellate court, the petitioner has filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

5. The learned Govt. Advocate (crl.side) supporting the impugned judgment, objected for granting suspension of sentence.

6. The petitioner has raised substantial grounds in the Revision which



require detailed appraisal. Further, the 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.

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

- (i) The petitioner shall surrender before the Judicial Magistrate II, Villupuram, 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 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 abovesaid court.
- (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.

01.06.2023

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1. The Additional District and Sessions Judge,
Fast Track Court, Villupuram.
2. The Judicial Magistrate No.II, Villupuram.
3. The Inspector of Police,
Valavaur Police Station,
Villupuram District.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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