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Crl.M.P.No.7199 of 2023 in Crl.A.No.562 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.7199 of 2023

in

Crl.A.No.562 of 2023

A.Katturaja

... Petitioner

/vs/

State rep. by :

The Inspector of Police,
Vellakoil Circle, Tiruppur District.
[Cr.No.521 of 2015]

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(i) of Cr.P.C., to suspend the sentence imposed in Sessions Case No.91 of 2017 dated 30.03.2022 passed by the Mahila Court, Tiruppur and enlarge the petitioner on bail, pending disposal of the above appeal.

For Petitioner ... Mr.R.Sankarasubbu

For Respondent ... Mr.R.Vinothraja
Government Advocate [Criminal Side]

**ORDER**

WEB COPY This Criminal Miscellaneous Petition has been preferred to suspend the sentence, dated 30.03.2022 imposed on the petitioner in Sessions Case No.91 of 2017 on the file of the Mahila Court, Tiruppur and enlarge the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is the sole accused in Sessions Case No.91 of 2017 is convicted and sentenced by the trial court, by its judgment dated 30.03.2022 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole	U/s.294[b] IPC	To undergo RI for 3 months and pay a fine of Rs.2,000/-, in default in payment of fine, to undergo 1 month RI
	U/s.307 IPC	To undergo 7 years RI and pay a fine of Rs.10,000/- in default in payment of fine 1 year RI
	U/s.506[ii] IPC	To undergo 7 years RI and pay a fine of Rs3,000/- in default in payment of fine 1 year RI.

Total fine amount Rs.15,000/-. The sentences imposed on the accused are to run concurrently and the detention period already undergone by the accused,



from 05.08.2015 to 17.12.2015 and from 17.02.2022 to 30.03.2022, 177 days, is Ordered to be set off. The fine amount has not been paid by the accused.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in Sessions Case No.91 of 2017, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that the reason for the occurrence is that the injured has not given money to the petitioner for purchasing liquor and there is no motive for the crime. The learned counsel for the petitioner also submitted that the parties are relatives. The learned counsel further submitted that the petitioner is in custody for 177 days and that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal. Therefore, he prayed for suspension of sentence till the disposal of this Criminal appeal.

5. Heard the learned counsel for the petitioner and learned



Government Advocate [Criminal Side] and perused the complaint, FIR and evidence of the witnesses and other material evidence available on record.

6. On a complaint given by one Anusuya, a case has been registered against the petitioner/accused by the respondent police in Crime No.521 of 2015 for the offences under sections 294[b], 307 and 506[ii] of IPC. A perusal of the records, it is seen that the accused had demanded money for purchasing liquor and there is no motive for the occurrence. Considering the facts and circumstances of the case and that the petitioner is in custody for 177 days, 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 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 Trial Court;



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(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial 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 on the first working day of every month until further Orders.

13.06.2023

vrc

To

1. The Mahila Court, Tiruppur.
2. The Inspector of Police, Vellakoil Circle, Tiruppur District.
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison, Coimbatore.



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V.SIVAGNANAM, J.

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