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Crl.M.P.No.6391 of 2023 in Crl.RC.No.829 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6391 of 2023

in

Crl.RC.No.829 of 2023

S. Rajkumar

... Petitioner

/vs/

State through,
the Inspector of Police,
Taluk Police Station,
Arakkonam,
Ranipet District.
(Cr.No.504 of 2015)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) r/w.439 of Cr.P.C., to suspend the sentence imposed by the learned Judicial Magistrate at Arakkonam, Vellore District in C.C.No.28 of 2016, dated 01.07.2022, confirmed by the learned II Additional District and Sessions Judge, Vellore @ Ranipet District in C.A.No.96 of 2022, dated 09.02.2023 and enlarge the petitioner on bail, pending disposal of the above revision.

For Petitioner

... Mr. R. Ganesh Kumar

For Respondent

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



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by the Judicial Magistrate, Arakkonam, Vellore District in C.C.No.28 of 2016, by the judgment dated 01.07.2022, which was confirmed by the II Additional District and Sessions Judge, Vellore @ Ranipet District in C.A.No.96 of 2022 by judgment dated 09.02.2023 and enlarge him on bail pending disposal of the above criminal revision petition.

2. The trial court, by its judgment dated 01.07.2022, 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.294(b) IPC	To undergo SI for one month
	U/s.324 IPC	To undergo SI for 6 months and a fine of Rs.10,000/-, in default in payment of fine, to undergo SI for one month
	U/s.506(ii) IPC	To undergo SI for 6 months.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner, he preferred C.A.No.96 of 2022 before the II Additional District and Sessions Judge, Vellore @ Ranipet, who, by his judgment dated



09.02.2023, partly allowed the appeal by setting aside the judgment of trial court regarding the offences u/s.294(b) and 506(ii) IPC and confirmed the conviction with reference to offence u/s.324 IPC. Challenging the above conviction and sentence imposed by the lower 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. Heard the learned counsel for the petitioner and the learned Govt. Advocate (crl.side) appearing for the respondent and perused the impugned order and materials available on record.

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, Arakkonam, Vellore @ Ranipet District, 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 above said court.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the abovesaid 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.

28.04.2023

msr



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To

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1. The Judicial Magistrate, Arakkonam,
Vellore District.
2. The II Additional District and Sessions
Judge, Vellore @ Ranipet District.
3. The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

msr

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