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Crl.M.P.No.6784 of 2023
in Crl.R.C.No.870 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.06.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.M.P.No.6784 of 2023

in Crl.R.C.No.870 of 2023

1.Ponsivasamy

2.C.Latha

3.U.Sumathi

4.K.Chinnasamy

... Petitioners

Vs.

Regional Manager
Bank of Baroda
Nambiyur Branch
Nambiyur, Erode District.

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., to suspend the sentence imposed on the petitioners in the judgment dated 27.04.2023 made in C.A.No.96 of 2022 on the file of the III



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Additional District and Sessions Court, Erode at Gobichettipalayam, confirming the conviction imposed in the judgment dated 24.06.2022 made in C.C.No.86 of 2012 on the file of the Judicial Magistrate Court No.I, Gobichettipalayam and enlarge the petitioners on bail pending disposal of the above Criminal Appeal filed before this Court.

For Petitioners ... Mr.V.Anandhamoorthy

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioners in the judgment dated 27.04.2023 made in C.A.No.96 of 2022 on the file of the III Additional District and Sessions Court, Erode at Gobichettipalayam, as confirmed by the order dated 24.06.2022 made in C.C.No.86 of 2012 on the file of the Judicial Magistrate Court No.I, Gobichettipalayam.

2. The trial Court, by its judgment dated 24.06.2022, convicted and sentenced the petitioners/accused as follows:



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<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
All the four petitioners	U/s.406 IPC read with Section 34	To undergo three years R.I. each
	U/s.420 IPC read with Section 34	To undergo three years R.I. each and to pay a fine of Rs.5,000/- each and in default in payment, to undergo SI for one month each

The sentences of imprisonment were ordered to run concurrently.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioners in C.C.No.86 of 2012, the petitioners preferred C.A.No.96 of 2022 before the III Additional District and Sessions Judge, Erode at Gobichettipalayam, who by his judgment dated 27.04.2023, confirmed the conviction and sentence imposed by the trial Court. Challenging the above conviction and sentence, the petitioners have filed the present Criminal Revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Learned counsel for the petitioners submitted that the judgment of the trial Court and the lower appellate Court is contrary to law, weight of



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evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioners have every chance to succeed in this Criminal Revision Case. Thus, they prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

5. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

6. The petitioners have 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 petitioners are entitled to the relief of suspension of sentence and bail.

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

- (i) The petitioners shall surrender before the Judicial Magistrate Court No.I, Gobichettipalayam, within two



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weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are 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 learned Judicial Magistrate No.I, Gobichettipalayam.

- (ii) The petitioners 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 petitioners shall appear before the trial Court as and when required.

05.06.2023
(2/2)

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To

1. The Judicial Magistrate No-I, Gobichettipalayam.
2. III Additional District and Sessions Judge
Erode at Gobichettipalayam.
3. The Public Prosecutor, High Court, Madras.

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V.SIVAGNANAM, J.

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