



CrI.M.P.No.8140 of 2023 in CrI.RC.No.1021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.8140 of 2023

in

CrI.RC.No.1021 of 2023

Karthick

... Petitioner

/vs/

The State, represented by
the Inspector of Police,
Sendhamangalam Police Station,
Namakkal District.
(Cr.No.405/2014)

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 & 401 of Cr.P.C., to suspend the sentence imposed in the judgment dated 20.04.2023 made in C.A.No.88 of 2021, on the file of the Special Court of Sessions Judge for trial of cases registered under SC/ST (POA) Act, Namakkal, by partly allowing the appeal and modifying the sentence imposed under section 326 of IPC to 324 of IPC and commuting the sentence from five years to three years and to pay a fine of Rs.2000/-, failing which, to undergo 3 months Simple Imprisonment in S.C.No.33 of 2016, dated 17.08.2021 on the file of the Chief Judicial Magistrate Court, Namakkal District and enlarge him on bail.

For Petitioner
For Respondent

... Mr.T.D. Mario Johnson
.... Mr.R.Vinoth Raja, GA (CrI.side)



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.A.No.88 of 2021 by the Special Court of Sessions Judge for Trial of Cases registered under SC/ST (POA) Act, Namakkal by judgment dated 20.04.2023, by modifying the conviction and sentence imposed by the Chief Judicial Magistrate Court, Namakkal in S.C.No.33 of 2016, by its judgment dated 17.08.2021 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. Totally there were two accused in S.C.No.33 of 2016. The petitioner/A1 in S.C.No.33 of 2016 was convicted and sentenced by the trial court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	U/s.326 of IPC	To undergo RI for five years and to pay a fine of Rs.5000/-, in default of payment of fine, to undergo SI for one month.
		Acquitted from the charges framed u/s.294(b) and 307 r/w.34 IPC

On an appeal, the conviction imposed on the petitioner by the trial court was modified by the Special Court for Trial of cases registered under SC/ST



(POA) Act, Namakkal in C.A.No.88 of 2021, dated 20.04.2023 from u/s.326 to Sec.324 IPC and the petitioner was sentenced to undergo 3 years RI and to pay a fine of Rs.2000/-, failing which, to undergo 3 months Simple Imprisonment by the lower appellate court. Challenging the above conviction and sentence, the petitioner has filed the Criminal Revision Case. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. 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.

4. Heard the learned counsel appearing for the petitioner and perused the impugned order and entire material evidence available on record.

5. 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.

6. 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 Chief Judicial Magistrate Court, Namakkal 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 of a likesum to the satisfaction of the above said court.
- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the abovesaid Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

21.06.2023

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To

1. The Special District Court for trial of



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cases under SC/ST (POA) Act,
Namakkal.

2. The Chief Judicial Magistrate,
Civil Judge (Senior Division),
Namakkal.
3. The Inspector of Police,
Sendhamangalam Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM, J.



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