



*Crl.MP No.8799 of 2022 in
Crl.A.No.659 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.MP No.8799 of 2022 in
Crl.A.No.659 of 2022**

Manikandan

... Petitioner

Vs.

State rep by: the Inspector of Police,
Uthangarai Town Police Station,
Uthangarai, Krishnagiri District,
Crime No.197/2019

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C to suspend the sentence passed by the learned Additional Sessions Judge, Krishnagiri, Krishnagiri District in S.C.No.144 of 2019 dated 30.06.2022 against the petitioner and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Ravikumar

For Respondent : Mr.C.E.Pratap,

Government Advocate (Crl. Side)

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.C.No.144 of 2019, vide judgment dated 30.06.2022, pending disposal of the Criminal Appeal.

2. The learned learned Additional Sessions Judge, Krishnagiri, Krishnagiri District, vide judgment dated 30.06.2022 passed in S.C.No.144 of 2019, convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Sec.279 IPC	to pay a fine of Rs.1,000/-, in default, to undergo 2 weeks simple imprisonment.
Sec.337 IPC	to pay fine of Rs.500/-, in default, to undergo 2 weeks simple imprisonment
Sec.338 IPC	to pay a fine of Rs.1,000/-, in default to undergo 2 weeks simple imprisonment.
Sec.304 part 2 IPC	5 Rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 3 months Rigorous imprisonment.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal and the petitioner is in judicial custody and hence, prayed for suspension of sentence.



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5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Considering submission made by the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner ***shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthangarai.***

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court as and when required.



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27.01.2023

(1/2)

Index: Yes/No
Internet: Yes/No
mst

To

- 1.The Additional Sessions Judge, Krishnagiri, Krishnagiri District.
- 2.The Superintendent, Central Prison, Vellore.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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27.01.2023

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