



Crl.M.P.No.8365 of 2
in Crl.R.C.No.1047 of 2023

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R.HEMALATHA, J.

This criminal miscellaneous petition is filed seeking to suspend the sentence imposed by the Principal Sessions, Nagapattinam in C.A.No.12/2020 on 24.03.2023, confirming conviction and sentence passed by the learned Judicial Magistrate No.I, Nagapattinam dated 09.09.2020 in C.C. No.95 of and to enlarge the petitioner on bail.

2. The petitioner, who was the 5th accused in C.C.No.95 of 2014 before the Judicial Magistrate No.1, Nagapattinam, was convicted and sentenced on 09.09.2020 as follows:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 420 IPC	Rigorous imprisonment for two years and to pay a fine of Rs.2,000/- in default to undergo further simple imprisonment for six months.
2	Section 120-B IPC	Rigorous imprisonment for six months and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one month.

3. Challenging the above conviction and sentences, the petitioner/5th accused has filed Crl.R.C.No.1047 of 2023 along with the instant miscellaneous petition seeking suspension of sentence and bail.



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4. Heard Mr.V. Parthiban, learned counsel for the petitioner and Mr.J.Subbiah, learned Government Advocate (Crl. Side) for the respondent/State.

5. It is the case of the prosecution that the present petitioner /5th accused along with the other accused received Rs.2 lakhs to Rs.3 lakhs money from the complainant by making a false promise to send him to Australia by sea in a ship.

6. Learned counsel for the petitioner contended that the petitioner is an innocent lady and not at all connected with the said offences and she is a cancer patient and is undergoing treatment. Hence, he prayed for suspension of sentence and bail.

7. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with certain conditions.



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8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- , with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.1, Nagapattinam
- (ii) The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the Criminal Revision Petition and if she is not able to appear before the trial Court on any day, she shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

04.07.2023



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R.HEMALATHA, J.
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To

- 1.The Judicial Magistrate No.1, Nagapattinam.
- 2.The Inspector of Police,
Criminal Investigation Department
"Q" Branch, Nagapattinam (Crime No.1/2013)

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