



Crl. M.P. No.13430 of 2023
in Crl.R.C.No.1503 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.13430 of 2023
in Crl.R.C. No.1503 of 2023

Babu

...Petitioner

vs.

The State Represented by its
Inspector of Police,
Denkanikottai P.S.
Krishnagiri District.
(Crime No.32 of 2009)

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment dated 14.12.2017 in Crl.A.No.36/2014 on the file of the learned District and Sessions Judge, Hosur, confirming the judgment dated 19.06.2014 in S.C.No.17/2011 on the file of the learned Assistant Sessions Judge, Hosur, and enlarge the petitioner on bail pending disposal of the above criminal revision.

For Petitioner : Ms.K.Akshaya

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned District and Sessions Judge, Hosur, in Crl.A.No.36/2014 dated 14.12.2017, confirming the conviction and sentence passed by the learned Assistant Sessions Judge, Hosur dated 19.06.2014 in S.C.No.17/2011 and to enlarge the petitioner on bail.

2. The petitioner is the second accused in S.C.No.17/2011 before the learned Assistant Sessions Judge, Hosur and he was convicted and sentenced on 19.06.2014 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Section 394 IPC	Rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-, in default, to undergo Rigorous imprisonment for a period of six months.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in Crl.A.No.36/2014 before the learned District and Sessions Judge, Hosur and the same was dismissed vide orders dated 14.12.2017, confirming the conviction and sentence passed by the trial



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4. Now the present petitioner / accused has filed the criminal revision in Crl.R.C.No.1503/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. The learned counsel for the petitioner contended that the co-accused A1 & A3 were acquitted by this Court in Crl.R.C.No.13/2018 vide orders dated 13.10.2022 and that the present petitioner/accused is also similarly placed.

6. Mr. R. Vinothraja, learned Government Advocate (Crl. Side) did not raise any serious objections to grant the relief of suspension of sentence.

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 learned Assistant Sessions Judge, Hosur.
- 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 petitioners 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 appeal and if he is not able to appear before the trial Court on any day, he 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.

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R.HEMALATHA, J.
mtl

To

- 1.The State Represented by its
Inspector of Police,
Denkanikottai P.S.
Krishnagiri District.
- 2.The District and Sessions Court, Hosur,
- 3.The Assistant Sessions Court, Hosur.
- 4.The Central Prison, Bangalore.

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