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Crl.M.P.No.11199 of 2
in Crl.R.C.No.1344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

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

Crl.M.P.No.11199 of 2023 in
Crl.R.C. No.1344 of 2023

Murugan

...Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
AWPS, Tiruppur North Police Station,
Tiruppur.
(Crime No.04/ 2021)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 439 (1) r/w.482 Cr.P.C. praying to suspend the sentence imposed on the petitioner by the learned Principal Sessions Judge, Tiruppur in Crl.A.No.64 of 2022, dated 03.07.2023 confirming the conviction and sentence passed by the learned Judicial Magistrate, Additional Mahila Court, Magisterial Level, Tiruppur dated 04.04.2022 in C.C. No.320/2021.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. side)

ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned Principal Sessions Judge, Tiruppur in



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Crl.A.No.64 of 2022 on 03.07.2023, confirming the conviction and sentence passed by the learned Judicial Magistrate, Additional Mahila Court, Magisterial Level, Tiruppur dated 04.04.2022 in C.C. No.320/2021 and to enlarge the petitioner on bail.

2. The petitioner is the accused in C.C.No.320/2021 before the learned Judicial Magistrate, Additional Mahila Court, Magisterial Level, Tiruppur and he was convicted and sentenced on 04.04.2022 as follows:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 294 (b) IPC	Simple imprisonment for one month
2	Section 352 IPC	Simple imprisonment for one month (2 counts)
3	Section 4 of Tamilnadu Prohibition of Harassment of Woman Act	Simple imprisonment for one month and to pay a sum of Rs.10,000/-, in default to pay the fine amount, to undergo simple imprisonment for one month.

3. This was confirmed by the Principal Sessions Judge, Tiruppur.

4. Heard Mr.A.Suresh Sakthi Murugan, learned counsel for the petitioner and Mr.R.Vinothraja, learned Government Advocate (Crl. side) appearing for the respondent.



5. Mr.A.Suresh Sakthi Murugan, learned counsel for the petitioner contended that there are arguable points in the Criminal Revision and hence, he prayed for suspension of sentence.

6. The learned Government Advocate (Crl. side) did not raise any serious objection for granting suspension of sentence to the revision petitioner.

7. This Court finds that the petitioner has substantial grounds in this Criminal Revision, which require detailed appraisal. Therefore, this criminal miscellaneous petition is allowed and the sentence is suspended, however, subject to the following conditions:

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Additional Mahila Court, Magisterial Level, Tiruppur;
- 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 trial court everyday at 10.30 a.m. for a period of four weeks and thereafter, the



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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 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.

01.08.2023

vum

Index: Yes/No

Speaking/Non-Speaking order

Note : Issue order copy on 03.08.2023

To

- 1.The Principal Sessions Judge, Tiruppur
- 2.The Judicial Magistrate,
Additional Mahila Court,
Magisterial Level, Tiruppur
- 3.The Section Officer,
Criminal Section,
Madras High Court, Chennai.

R.HEMALATHA, J.



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