



Crl.MP No.6402 of 2023 in Crl.A.No.518 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.MP No.6402 of 2023

in

Crl.A.No.518 of 2023

Puratchimani

...

Petitioner

Vs.

The State represented by
Inspector of Police,
Andimadam Police Station,
Ariyalur District.
(Crime No.91 of 2021)

...

Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C to suspend the conviction and sentence passed by the learned Fast Track Mahila Court, Ariyalur, by a judgment and order dated 19.07.2022 made in S.C.No.38 of 2021 and to release the petitioner on bail.

For Petitioner : Mr. C.Prabakaran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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This criminal miscellaneous petition has been filed to suspend the conviction and sentence passed by the learned Fast Track Mahila Court, Ariyalur, by a judgment and order dated 19.07.2022 made in S.C.No.38 of 2021 and to release the petitioner on bail.

2. The petitioner, who is the sole accused in S.C.No.38 of 2021, is convicted and sentenced by the trial court, by its judgment dated 19.07.2022 as follows;

<i>appellant's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.324 IPC	To undergo one year rigorous imprisonment and pay a fine of Rs.10,000/-, in default in payment of fine, to undergo three months simple imprisonment.

The learned trial Judge has found the accused not guilty of the offences under Sections 307, 294(b) & Section 4 of the Prohibition of Harassment of Women Act, 2002 and the detention period already undergone by the accused is ordered to be set off. The fine amount has been paid by the accused.

3.Challenging the conviction and sentence slapped by the Trial



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Court, the petitioner is before this Court.

4.The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal. He further submitted that already, the petitioner has paid the fine amount and hence, prayed for suspension of sentence.

5.Heard the learned Additional Public Prosecutor appearing for the respondent and perused the impugned judgment and the materials on record.

6.Taking into consideration of the above submission of 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.



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(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Fast Track Mahila Court, Ariyalur 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 his executing 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 abovesaid Court.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the abovesaid 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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28.04.2023

To

- 1.The learned Fast Track Mahila Court, Ariyalur.
- 2.The State represented by
Inspector of Police,
Andimadam Police Station,
Ariyalur District.(Crime No.91 of 2021).
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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