



Crl. M.P. No.13434 of 2023
in Crl.R.C.No.1504 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.13434 of 2023
in Crl.R.C. No.1504 of 2023

Elango

...Petitioner

vs.

The State Represented by the
CCIW CID, Namakkal.
(Crime No.3 of 2009)

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) Cr.P.C. to suspend the sentence imposed on the petitioner by order dated 31.07.2023 in C.A.No.96/2021 on the file of I Additional Sessions Court, Namakkal, confirming the judgment dated 13.09.2021 in C.C.No.604 of 2020 on the file of the Judicial Magistrate No.II, Namakkal and enlarge the petitioner on bail pending disposal of the above criminal revision.

For Petitioner : Mr.R.Nalliyappan

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

ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned I Additional Sessions Judge, Namakkal



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in C.A.No.96 of 2021 dated 31.07.2023, confirming the conviction and sentence passed by the learned Judicial Magistrate No.II, Namakkal dated 13.09.2021 in C.C.No.604/2020 and to enlarge the petitioner on bail.

2. The petitioner is the third accused in C.C.No.604/2020 before the learned Judicial Magistrate No.II, Namakkal and he was convicted and sentenced on 13.09.2021 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Sections 120(B) IPC	Simple imprisonment for a period of three months and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for a period of one month.
2	Section 408 IPC	Simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month.
3.	Section 467 IPC	Simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month.
4.	Section 471 IPC	Simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month.
5	Section 477-A IPC	Simple imprisonment for a period of one



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<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
		year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month.

The aforesaid sentences were ordered to run concurrently.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in C.A.No.96 of 2021 before the learned I Additional Sessions Judge, Namakkal and the same was dismissed vide orders dated 31.07.2023, confirming the judgment passed by the trial court.

4. Now the present petitioner / accused has filed the criminal revision in Crl.R.C.No.1504/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Mr.R.Nalliyappan, learned counsel for the petitioner contended that the petitioner/accused No.3 has already paid the fine amount and has raised substantial points in the memorandum of appeal which require



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a detailed consideration by this Court.

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 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 Judicial Magistrate No.II, Namakkal.
- 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



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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 the
CCIW CID, Namakkal
- 2.The I Additional Sessions Court, Namakkal.
- 3.The Judicial Magistrate No.II, Namakkal

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