



CrI.M.P.No.14667 of 2023
in CrI.R.C.No.1591 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

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

CrI.M.P.No.14667 of 2023
in CrI.R.C.No.1591 of 2023

Varadhan

... Petitioner

Vs.

State Rep. By
The Sub-Inspector of Police,
J-13, Tharamani Police Station,
Tharamani, Chennai – 600 113.

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389(1) & 439 of Criminal Procedure Code 1973 to suspend the sentence made in judgment dated 24.07.2023 in C.A.No.246/2022 on the file of the learned V Additional Sessions Judge, Chennai, confirming the conviction and sentence made in the orders dated 16.09.2022 in C.C.No.6293/2017 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and enlarge the petitioner on bail, pending disposal of the revision petition.

For Petitioner : Mr.S.Suresh

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



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned V Additional Sessions Judge, Chennai in C.A.No.246/2022 on 24.07.2023, confirming the conviction and sentence passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai dated 16.09.2022 in C.C.No.6293/2017 and to enlarge the petitioner on bail.

2. The present revision petitioner, the accused in C.C.No.6293/2017 on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai was convicted and sentenced as follows on 16.09.2022:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1.	Section 326 IPC	Rigorous imprisonment for one year and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for three months.



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3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in C.A.No.246/2022 before the learned V Additional Sessions Judge, Chennai and the same was dismissed vide orders dated 24.07.2023, confirming the judgment passed by the trial court.

4. Now the present revision petitioner/second accused filed the criminal revision in Crl.R.C.No.1591/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Mr.S.Suresh, learned counsel for the petitioner contended that the accused is innocent and that he has fair chance to prove his innocence and succeed in the appeal and prayed for suspending the sentence till the disposal of this revision.

6. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) for the respondent 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.



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- 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 XVIII Metropolitan Magistrate, Saidapet, Chennai.
- 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
- i. 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 revision 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.

15.09.2023

(2/3)

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.
mtl

To

1. The V Additional Sessions Judge, Chennai
2. The XVIII Metropolitan Magistrate, Saidapet, Chennai.

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