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Crl.M.P.No.1096 of 2023 in Crl.R.C.No.147 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.1096 of 2023
in Crl.RC.No.147 of 2023

Velusamy

... Petitioner

/versus/

The State Represented by
The Inspector of Police,
Karumathampatty Police Station,
Coimbatore. (Crime No.210 of 2012)

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Cr.P.C., to suspend the sentence, which was confirmed in C.A.No.276 of 2019 on the file of 3rd Additional District Judge, Coimbatore, in C.C.No.412 of 2017 on the file of Honourable Judicial Magistrate, Sulur and enlarge the petition on bail till the disposal of the criminal revision.

For Petitioner

... Ms.S.Pooja Shree

For Respondent

... Mr.V.Meganathan
Government Advocate (Crl.Side)



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Judicial Magistrate, Sulur, in C.C.No.412 of 2017, dated 06.08.2019, which was confirmed in C.A.No.276 of 2019 by the 3rd Additional District Judge, Coimbatore, on 11.03.2022 and to enlarge the petitioner/appellant on bail pending criminal revision case.

2. The petitioner, who is the accused in C.C.No.412 of 2021, was convicted and sentenced by Judicial Magistrate, Sulur, Coimbatore District, which reads as follows:

<i>Petitioner Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Accused	Under Section 279 of I.P.C	To pay fine of Rs.500/-, in default the accused shall undergo one week simple imprisonment.
	Under Section 304(A) of I.P.C	To undergo one year S.I and to pay fine of Rs.3000/- in default the accused shall undergo three months S.I.

The period already undergone by the accused was ordered to be set off.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioner, he preferred the present criminal revision case along with the



instant miscellaneous petition, seeking suspension of sentence and bail.

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4. The learned counsel for the petitioner submitted that the judgment of the trial Court is contrary to law, weight of evidence and probabilities of the case; there are arguable points in this revision case and the petitioner has every chance of succeeding the revision. He further submitted that the petitioner has already paid the fine imposed by the trial Court. Thus, he prayed for suspension of sentence, till the disposal of this Criminal Revision Case.

5. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (Crl.side) appearing for the State.

6. The petitioner has raised substantial grounds in the revision which require detailed appraisal. Further, the revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted

to the petitioner on the following conditions:-



- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each for a likesum to the satisfaction of the Judicial Magistrate, Sulur.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

30.01.2023

Index :Yes/No.

Internet: Yes/No.

bsm

To,

- 1.The Judicial Magistrate, Sulur.
2. The Central Prison, Coimbatore.
3. The Inspector of Police, Karumathampatty Police Station, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.

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