



CrI.M.P.No.13621 of 2023
in CrI.R.C.No.1514 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

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

CrI.M.P.No.13621 of 2023
in CrI.R.C.No.1514 of 2023

Sakthivel

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
(Crime No.582/2010)

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973 to suspend the sentence made in judgment dated 04.08.2023 in C.A.No.48/2018 on the file of the learned Principal Sessions Judge, Krishnagiri, confirming the conviction and sentence made in the judgment dated 07.09.2018 in C.C.No.218/2013 on the file of the learned Judicial Magistrate, Uthangarai and enlarge the petitioner on bail, pending disposal of the revision petition.

For Petitioner : Mr.C.Munusamy

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 Principal Sessions Judge, Krishnagiri in C.A.No.48/2018 on 04.08.2023, confirming the conviction and sentence passed by the learned Judicial Magistrate, Uthangarai, dated 07.09.2018 in C.C.No.218/2013 and to enlarge the petitioner on bail.

2. The present revision petitioner is the first accused in C.C.No.218/2013 on the file of Judicial Magistrate, Uthangarai was convicted and sentenced as follows on 07.09.2018 :

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1.	Section 406 IPC	Simple imprisonment for one year and to pay Rs.1,50,000/- as compensation to PW1 within a period of six months and in default, to undergo simple imprisonment for a period of twelve weeks.

3. Aggrieved over the judgment passed by the trial court, the first accused filed an appeal in C.A.No.48/2018 before the learned



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Principal Sessions Judge, Krishnagiri and the same was dismissed vide orders dated 04.08.2023, confirming the judgment passed by the trial court.

4. Now the present revision petitioner/first accused filed the criminal revision in Crl.R.C.No.1514/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Heard, Mr.C.Munusamy, learned counsel for the revision petitioner and Mr.R.Vinothraja, learned Government Advocate (Crl. Side), for the respondent.

6. Mr.C.Munusamy, the learned counsel for the petitioner contended that the present petitioner has a fair chance to prove his innocence and succeed in the criminal revision. He therefore, prayed for suspending the sentence till the disposal of this Revision.



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7. Mr.R.Vinothraja, learned Government Advocate (Crl. Side), did not raise any serious objection to grant the relief of suspension of sentence.

8. 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 Judicial Magistrate, Uthangarai ;
- 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 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



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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.

01.09.2023

(2/2)

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



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R. HEMALATHA, J.
mtl

To

- 1.State Rep. by
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
- 2.The Principal Sessions Court, Krishnagiri
- 2.The Judicial Magistrate, Uthangarai.

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