



WEB COPY



Crl.M.P.No.14572 of 2
in Crl.R.C.No.1264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

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

Crl.M.P.No.14572 of 2023 in
Crl.R.C.No.1578 of 2023

Anburasan

...Petitioner

Vs.

The State of Tamilnadu Rep. by
the Inspector of Police,
Commercial Crime Investigation Department,
Namakkal.
(Crime No.2/2001)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) r/w.
439 Cr.P.C. praying to suspend the sentence imposed in Crl.A.No.80 of
2010, dated 28.06.2023 passed by the I Additional District & Sessions Judge,
Namakkal.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. side)

ORDER

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



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Namakkal in Crl.A.No.80 of 2010 on 28.06.2023 confirming the conviction and sentence passed by the learned Judicial Magistrate No.II, Namakkal dated 09.07.2010 in C.C. No.15/2004 and to enlarge the petitioner on bail.

2. The petitioner is an accused in C.C.No.15/2004 on the file of the Judicial Magistrate No.II, Namakkal and he was convicted and sentenced on 09.07.2010 as follows:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 408 I.P.C	Simple imprisonment for a period of six months and to pay a fine of Rs.1,000/-, in default, to undergo Simple imprisonment for One month.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in Crl.A.No.80 of 2010 before the I Additional District & Sessions Judge, Namakkal and the same was dismissed vide orders dated 28.06.2023, confirming the judgment passed by the trial court.

4. Now the present petitioner / accused has filed the criminal revision in Crl.R.C.No.1578 of 2023 along with this present criminal miscellaneous petition seeking suspension of sentence



5. Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner and Mr.R.Vinothraja, learned Government Advocate (Crl. side) appearing for the respondent.

6. The learned counsel for the petitioner contended that there are arguable points in the Criminal Revision and hence, he prayed for suspension of sentence.

7. The learned Government Advocate (Crl. side) did not raise any serious objection for granting suspension of sentence to the revision petitioner.

8. Considering the submissions made by the learned counsel appearing on either side, this criminal miscellaneous petition is allowed and the sentence imposed on the petitioner is suspended and bail is granted to the petitioner, however, subject to the following conditions:

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) 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.2, 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 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 Criminal Revision Petition 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.

14.09.2023

(2/2)

vum

To

- 1.The I Additional District & Sessions Judge, Namakkal.
2. The Judicial Magistrate No.II, Namakkal.
3. The Inspector of Police,
Commercial Crime Investigation Department,
Namakkal.

R.HEMALATHA, J.



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