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Crl.M.P.No.17338 of 2022 in Crl.A.No.1178 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.17338 of 2022

in

Crl.A.No.1178 of 2022

1. Pachaiyappan,
2. Kasi @ Kasinathan,
3. Pattu,

.. Petitioners

/versus/

State represented by
Deputy Superintendent of Police,
Thiruvannamalai Town Sub Division,
Kilpennathur Police Station,
Thiruvannamalai District.
(Crime No.41 of 2014)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence passed in S.C.No.113 of 2015 dated 12.09.2022 by the Sessions Judge, Fast Track Mahila Court, Thiruvannamalai and District and enlarge them on bail pending disposal of the Crl.A.No.1178 of 2022 on the file of this Hon'ble Court.

For Petitioners

... Mr.R.Balakrishnan

For Respondent

... Mr.C.E.Pratap,
Government Advocate (Crl.Side)



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Sessions Judge, Fast Track Mahila Court, Thiruvannamalai District in S.C.No.113 of 2015 dated 12.09.2022, pending criminal appeal.

2. The petitioners, who are the accused in S.C.No.113 of 2015, were convicted and sentenced by the Sessions Judge, Fast Track Mahila Court, Thiruvannamalai District, which reads as follows:

<i>Petitioners</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 to A3	Section 498 (A) of I.P.C	Sentenced to undergo 3 years R.I and also to pay fine of Rs.1000/-, in default to undergo one month S.I.
	Section 4 of Dowry Prohibition Act	Sentenced to undergo 2 years R.I and also to pay fine of Rs.1000/- in default to undergo S.I for one month.
	304 (B) of I.P.C	Sentenced to undergo 10 years S.I.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioners, he preferred the present criminal appeal along with the instant miscellaneous petition, seeking suspension of sentence and bail.



4. Heard the learned counsel appearing for the petitioners and the learned Govt. Advocate (crl.side) appearing for the State.

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5. The learned counsel for the petitioners 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 appeal and the petitioners has every chance of succeeding the appeal. He further submitted that the petitioners have already paid the fine imposed by the trial Court. The petitioners have been in the judicial custody from 12.09.2022. Thus, he prayed for suspension of sentence, till the disposal of this Criminal Appeal.

6. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioners have been confined in the judicial custody from 12.09.2022, Further, the appeal 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 petitioners are entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:



- (i) The petitioners 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 No.II, Thiruvannamalai.
- (ii) 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 petitioners shall appear before the trial Court as and when required.

03.01.2023

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To

- 1.The Judicial Magistrate No.II, Thiruvannamalai.
2. The Sessions Judge Fast Track, Mahila Court, Thiruvannamalai District.
- 3.The Deputy Superintendent of Police,
Thiruvannamalai Town Sub Division,
Kilpennathur Police Station,
Thiruvannamalai District.
- 4.The Superintendent,Central Prison, Vellore.
5. The Superintendent, Special Prison for Women, Vellore.
- 6.The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.

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