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*Crl.M.P.No.19694 of 2022 in
Crl.A.No.1302 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19694 of 2022 in
Crl.A.No.1302 of 2022

K.R.Rajaram

... Petitioner

Vs.

The State, rep. by the Inspector of Police,
Saibaba Colony Police Station (L& O),
Coimbatore City.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code to suspend the conviction and sentence passed by the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore dated 02.09.2022 in S.C.No.63 of 2021 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.N.Stalin

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

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.C.No.63 of 2021, vide judgement dated 02.09.2022, pending disposal of the Criminal Appeal.

2. The learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore, vide judgment dated 02.09.2022 in S.C.No.63/2021 convicted the petitioner for the offences punishable under Sections 498(A) and 306 IPC and sentenced him as extracted hereunder.

Conviction under Section	Sentence
498(A) IPC	Rigorous Imprisonment for 2 years and to pay a fine of Rs.500/-, in default, to undergo 3 months simple imprisonment.
306 IPC	Rigorous Imprisonment for 5 years and to pay a fine of Rs.500/-, in default, to undergo 6 months simple imprisonment.

The Trial Court, ordered the sentence to run concurrently.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are



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arguable points in this Criminal Appeal. He further submitted that already the petitioner paid the fine amount and now, he is custody and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner ***shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram(Mahila Court), Coimbatore.***



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(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 Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court as and when required.

02.01.2023

(1/2)

Index: Yes/No
Internet: Yes/No
mst

To

1. The Sessions Judge, Magalir Neethimandram(Mahila Court),
Coimbatore.
2. The Superintendent, Central Prison, Coimbatore.
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**02.01.2023
(1/2)**