



Crl.M.P.No.3618 of 2023 in
Crl.R.C.No.478 of 2022

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DATED: 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP No.3618 of 2023 in
Crl.RC No.478 of 2022

1.Prabakar
2.Pradeep

... Petitioners

Vs.

State rep. by the Inspector of Police,
Poompugar Police Station,
Mayiladuthurai District.
(Crime No.17 of 2010)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Sirkali in CC No.145 of 2010 dated 05.05.2017, which was confirmed by the learned Additional District Judge, Mayiladuthurai in CA No.30 of 2017 vide judgment dated 05.08.2022 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case.

For Petitioners	: Mr.M.K.Subramanian
For Respondent	: Mr.R.Vinothraja
	Govt. Advocate (Crl.Side)



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Sirkali in CC No.145 of 2010 dated 05.05.2017, which was confirmed by the learned Additional District Judge, Mayiladuthurai in CA No.30 of 2017 vide judgment dated 05.08.2022 and enlarge the petitioners on bail, pending disposal of the above Criminal Revision Case.

2.The petitioners herein are A1 and A2 in the above said CC No.145 of 2010. The learned Judicial Magistrate, Sirkali vide judgment dated 05.05.2017 in CC No.145 of 2010, convicted and sentenced the petitioners, as extracted hereunder.

Conviction and sentence imposed on the first petitioner

Sec.294B IPC	To undergo 3 months simple imprisonment and to pay a fine of Rs.500/- , in default, to undergo 2 weeks imprisonment.
Sec.352 IPC	To undergo 3 months simple imprisonment and to pay a fine of Rs.500/- , in default, to undergo 2 weeks imprisonment.



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Conviction and sentence imposed on the second petitioner

Sec.294B IPC	To undergo 3 months rigorous imprisonment alongwith a fine of Rs.500/- in default, to undergo 2 weeks imprisonment.
Sec.326 IPC	To undergo 3 years rigorous imprisonment alongwith a fine of Rs.5000/- in default, to undergo 3 months imprisonment.

3.Challenging the judgment of conviction and sentence, the petitioner preferred an Appeal in CA No.30 of 2017 before the learned Additional District Judge, Mayiladuthurai, and the Learned Additional District Judge, Mayiladuthurai, confirmed the judgement of the trial Court.

4.Aggrieved by the judgement of conviction passed by the Trial Court as well as lower Appellate Court, the petitioner filed the present Criminal Revision Case along with the instant petition, seeking to suspend the sentence of imprisonment.

5.The learned counsel for the petitioner submitted that the judgement of the



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trial Court as well as the lower Appellate Court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in the above Criminal Revision Case and the petitioner has every chance to succeed in this Criminal Revision Case. He further submitted that already, the petitioner has paid the fine amount and hence, prayed for suspension of sentence.

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

7. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioners have substantial grounds in this Criminal Revision, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

8. Accordingly, it is ordered as follows.



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(i) The substantive sentence of imprisonment alone is suspended and the petitioners shall surrender before the learned Judicial Magistrate, Sirkali within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sirkali.

(ii) The petitioners 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 petitioners shall appear before the above said Court as and when required.

14.03.2023

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To

1. The learned Judicial Magistrate, Sirkali
2. The learned Additional District Judge, Mayiladuthurai
- 3.State rep. by the Inspector of Police,
Poompugar Police Station,
Mayiladuthurai District.
(Crime No.17 of 2010)
- 4.The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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