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Crl.O.P.No.25717 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25717 of 2023

T.Vijayakumar

... Petitioner

-VS-

The State Rep. by
The Inspector of Police,
Vellore South (L & O), Police Station,
(Crime No.110 of 2022)

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order in Crl.M.P. No.3918 of 2023 in C.A. No.143 of 2023 in the C.C. No.162 of 2022 vide order dated 18.10.2023 on the file of the Judicial Magistrate No.I, Vellore, Vellore District vide order dated 01.09.2023.

For Petitioner

: Mr.M.Sathish Kumar

For Respondent

: Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

**ORDER**

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The petitioner was convicted for offence under Sections 279 and 304 A IPC vide judgment dated 01.09.2023 had preferred appeal alongwith application for suspension of sentence. Though his appeal and suspension of sentence application was filed on 26.09.2023, the same was taken on file only on 18.10.2023. The lower appellate Court taking note of the fact that the period of suspension of sentence granted by the trial Court got expired, dismissed the Crl.M.P. No.3918 of 2023 in Crl.A. No.143 of 2023 seeking suspension of sentence on the ground that warrant already been issued.

2. The learned counsel for the petitioner submitted that within a period of 30 days from the judgment, application for suspension of sentence filed, but due to administrative reasons, it was taken on file only after 30 days period, therefore, the petitioner may be given an opportunity to seek for suspension of sentence by extending the time.

3. Considering the reasons stated in the petition and the fact that application for suspension of sentence was filed before the expiry of 30 days period granted by the trial Court, the petitioner herein is directed to surrender before the learned Judicial Magistrate No.I, Vellore and seek for recall of NBW issued against him. On such appearance, his application for recall of NBW



considered on the same day. Once, the warrant is recalled, within a period of five days, the petitioner shall appear before the Principal Sessions Judge, Vellore and seek for suspension of sentence.

4. With this direction, this Criminal Original Petition is disposed of.

09.11.2023

Internet : Yes/No
Index : Yes/No
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To

- 1.The Principal Sessions Judge, Vellore.
2. The Judicial Magistrate No.I, Vellore
- 3.The Inspector of Police,
Vellore South (L & O), Police Station,
4. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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