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Crl.M.P.No.19984 of 2022 in Crl.RC.No.1709 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.19984 of 2022

in

Crl.RC.No.1709 of 2022

Prakash

... Petitioner

/vs/

The State represented by
the Veeranam Police Station,
Salem District.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by judgment dated 09.02.2022 in C.A.No.70 of 2021 by the Principal Sessions Judge, Salem confirming the judgment dated 29.09.2021 in C.C.No.503 of 2019 on the file of Judicial Magistrate No.IV, Salem and enlarge the petitioner on bail pending disposal of the above Criminal Revision case.

For Petitioner ... Mr. R. Nalliyappan

For Respondent ... Mr.V.Meganathan, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to to suspend the sentence imposed on the petitioner by judgment dated



09.02.2022 in C.A.No.70 of 2021 by the Principal Sessions Judge, Salem confirming the judgment dated 29.09.2021 in C.C.No.503 of 2019 on the file of Judicial Magistrate No.IV, Salem and enlarge the petitioner on bail pending disposal of the above Criminal Revision case.

2. The trial court, by its judgment dated 29.09.2021 in C.C.No.503 of 2019, acquitted the petitioner/accused for the offence under sections 294(b) and 506(ii) IPC and convicted and sentenced him as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.326 IPC	To undergo SI for 2 years and to pay a fine of Rs.1000/-, in default in payment of fine, to undergo SI for one month.

The fine amount was already paid.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in C.C.No.503 of 2019, the petitioner preferred C.A.No.70 of 2021 before the Principal Sessions Judge, Salem who, by his judgment dated 09.02.2022, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioner



has filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

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4. The learned counsel for the petitioner submitted that the judgment of the trial court and 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 this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

5. Heard the learned counsel for the petitioner and learned Govt. Advocate (crl.side) appearing for the respondent.

6. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision 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 petitioner is entitled to the relief of suspension of sentence and bail.

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



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- (i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

02.01.2023

msr

To

- 1.The Principal Sessions Judge, Salem
2. The Judicial Magistrate No.IV, Salem
3. The Inspector of Police,
Veeranam Police Station,
Salem District.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

msr

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