



WEB COPY



Crl.M.P.No.19906 of 2022 in Crl.R.C.No.1692 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19906 of 2022
in Crl.R.C.No.1692 of 2022

Kandasamy,

.. Petitioner

/versus/

State Rep by
The Inspector of Police,
PEW, Salem City,
(Crime No.591 of 2016)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Cr.P.C., to suspend the sentence imposed on him dated 14.12.2021 made in C.A.No.23 of 2020 on the file of the Principal Sessions Judge, Salem, confirming the conviction and sentence dated 21.01.2020 in S.C.No.346 of 2016 on the file of the Principal Assistant Sessions Judge, Salem and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner

... Mr.S.Sundarraaj

For Respondent

... Mr.V.Meganathan
Government Advocate (Crl.Side)



ORDER

WEB COPY This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Principal Sessions Judge, Salem in C.A.No.23 of 2020 dated 14.12.2021 by confirming the judgment of conviction and sentence passed by the Principal Assistant Sessions Judge, Salem in S.C.No.346 of 2016 dated 21.01.2020 pending criminal revision case.

2. Totally, there are two accused. The petitioner is arrayed as A1 in S.C.No.346 of 2016 on the file of the Principal Assistant Sessions Judge, Salem. The Learned Judge, by a judgment dated 21.01.2020, acquitted A2 from all the charges and also acquitted A1 from 4(1-A) of TNP Act and convicted and sentenced A1, which reads as follows:

<i>Petitioner Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1 st Accused	Section 4(1)(aaa) of TNP Act	Sentenced to undergo two years R.I and to pay fine of Rs.5,000/- in default to undergo three months S.I.

The period of imprisonment already undergone was directed to be set off.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioner/A1, he preferred criminal appeal in Crl.A.No.23 of 2020 on



the file of the Principal Sessions Judge, Salem and the same was dismissed by confirming the judgment of the trial Court. Against which, he preferred the present criminal revision case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

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

5. The learned counsel for the petitioner 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 revision and the petitioner has every chance of succeeding the revision. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

6. The petitioner has raised substantial grounds in the revision which requires detailed appraisal. Further, the revision petition 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:



WEB COPY



- (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 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 Principal Assistant Sessions Judge, Salem.
- (ii) The sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the trial Court as and when required.

03.01.2023

bsm

To

- 1.The Principal Assistant Sessions Judge, Salem.
2. The Principal Sessions Judge, Salem.
- 3.The Inspector of Police, PEW, Salem City.
- 4.The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.



WEB COPY



Crl.M.P.No.19906 of 2022 in Crl.R.C.No.1692 of 2022

bsm

Crl.M.P.No.19906 of 2022
in Crl.R.C.No.1692 of 2022

03.01.2023