



CrI.M.P.No.19948 of 2022 in CrI.A.No.777 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CrI.M.P.No.19948 of 2022

in

CrI.A.No.777 of 2022

S.Raja

... Petitioner

Vs.

State Rep. by
The Assistant Commissioner of Police,
Triplicane Range,
Chennai-600 002.
(D.I.Crime No.746 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C. to suspend the order that the execution of the sentence passed in S.C.No.154 of 2017 on the file of the learned Sessions Judge, Mahalir Neethimandram, Chennai and set aside its order dated 31.05.2022, pending disposal of the above appeal.



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For Petitioner : Mr.P.Prince Premkumar
For Respondent : Mr.C.E.Pratap,
Govt. Advocate (Crl.Side)

ORDER

The petitioner, who is the 1st accused in S.C.No. 154 of 2017 on the file of the Sessions Judge, Mahalir Neethimandram, Chennai, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgment dated 31.05.2022, convicted the petitioner/1st accused for the offences punishable under Sections 498 A and 306 IPC, and sentenced him as under:

Conviction under Section	Sentence
498 A IPC	Rigorous imprisonment for 3 years and to pay a fine of Rs.5,000/-, in default, to undergo Simple imprisonment for 3 months.
306 IPC	Rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default, to undergo Simple imprisonment for 3 months.



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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 this is the second petition for suspension of sentence. The earlier petition in Crl.M.P.No.10430 of 2022 was dismissed on 13.09.2022. He further submitted that there are arguable points in this Appeal and the petitioner is under 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.



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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 the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.*

(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.

03.01.2023

rpl

To

1. The Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.

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2. The Superintendent, Central Prison-I, Puzhal, Chennai.

3. The Assistant Commissioner of Police,
Triplicane Range,
Chennai-600 002.

4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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