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Crl.M.P.No.19879 of 2022 in Crl.RC.No.1684 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.19879 of 2022

in

Crl.RC.No.1684 of 2022

1. R.Chandrasekar
2. C.Suganthi
3. Devadass

...petitioners

/vs/

State, represented by the
Inspector of Police,
R2, Perur Police Station,
Coimbatore.
Cr.No.777 of 2011

.. Respondent

Prayer : Criminal Miscellaneous Petition has been filed under Section 397 (1) & 439 of CrI.P.C., to suspend the sentence and grant bail to the petitioners in connection with the order passed in CrI.A.No.79 and 83 of 2019 in C.C.No.124 of 2013, u/s.465 of Cr.P.C., on 20.07.2022 by the III Additional District and Sessions Judge, Coimbatore.

For petitioners ... Mr. M. Rajagopalakrishnan

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



ORDER

This criminal miscellaneous petition has been preferred seeking to suspend the sentences imposed on the petitioners herein, by judgment and order dated 20.07.2022 passed in Crl.A.Nos.79 and 83 of 2019 by the III Additional District and Sessions Judge, Coimbatore, modifying the judgment of conviction and sentence, dated 01.02.2019 imposed by the learned Judicial Magistrate No.I, Coimbatore in C.C.No.124 of 2013 .

2. The petitioners who were A1 to A3 in C.C.No.124 of 2013 on the file of Judicial Magistrate No.1, Coimbatore were convicted and sentenced as follows:

<i>Rank of petitioners</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 to A3	U/s.420 IPC	To undergo RI for one year and to pay a fine of Rs.2000/- each, in default in payment of fine, to undergo 2 months SI
	U/s.418 IPC	To undergo RI for one year and a fine of Rs.2000/-, each, in default in payment of fine, to undergo two months SI
	U/s.468 IPC	To undergo RI for one year and a fine of Rs.2000/- each, in default in payment of fine, to undergo two months SI
The sentences imposed on each accused were ordered to run concurrently.		



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3. Challenging the above conviction and sentence, the petitioners 1 and 2/A1 and A2 and 3rd petitioner/A3 herein have preferred Crl.A.Nos.79 and 83 of 2019 before the III Additional District and Sessions Judge, Coimbatore. In the said appeals, the learned Sessions Judge, after hearing the arguments, by his order dated 20.07.2022, partly allowed the same by modifying the sentence and conviction imposed by the trial court in C.C.No.124 of 2013 as per section 386(b)(iii) Cr.P.C and the petitioners were found guilty of the offence under section 465 of IPC and the earlier sentence of one year RI and Rs.2000/- fine, in default, to undergo two months SI imposed by the trial court under section 468 IPC is treated as a sentence for the offence under section 465 of IPC and the same is modified as six months RI and fine is not altered. The accused were not found guilty of the offences u/s.418, 420, 468 of IPC and the accused are acquitted u/s.386(b)(i) of Cr.P.C., and the fine amount of Rs.2000/- already paid by each of the accused for the offences u/s.418 and 420 IPC were ordered to be refunded to them.

4. Aggrieved against such conviction and sentence, the petitioners have filed the present criminal revision case along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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5. The learned counsel for the petitioners submitted that there are arguable points available in the Criminal Revision Case, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence of imprisonment imposed against the petitioners may be suspended and the petitioners may be enlarged on bail.

6. Heard the learned counsel for the petitioners and learned Govt. Advocate (crl.side) and also perused the materials placed on record.

7. The petitioners have raised substantial grounds in the Criminal Revision Case which require detailed appraisal. Further, the Criminal Revision case 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 petitioners are entitled to the relief of suspension of sentence and bail.

8. Accordingly, till the disposal of the Criminal Revision Case, the suspension of sentence and bail are granted, on the following conditions:-

(i) The petitioners 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 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, along with two sureties,
each for a like sum to the satisfaction of the Trial Court .

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(ii) The petitioners and sureties shall affix their photograph and Left Thumb Impression in the 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 Trial Court as and when required.

02.01.2023

msr

To

- 1.The III Additional District and Sessions Judge, Coimbatore.
- 2.The Judicial Magistrate No.1, Coimbatore.
3. Inspector of Police,
R2, Perur Police Station,
Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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