



Crl.M.P.No.20098 of 2022 in Crl.A.No.1255 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.20098 of 2022

in

Crl.A.No.1255 of 2022

Muthaiyan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.440 of 2011)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C. to suspend the sentence imposed in judgment dated 19.10.2022 made in S.C.No.265 of 2015 passed by the learned Sessions Judge, Mahila Court, Salem and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner

: Mr.P.Palaninathan

For Respondent

: Mr.C.E.Pratap,
Govt. Advocate (Crl.Side)



Crl.M.P.No.20098 of 2022 in Crl.A.No.1255 of 2022

ORDER

WEB COPY

The petitioner, who is the accused in S.C.No.265 of 2015 passed by the learned Sessions Judge, Mahila Court, Salem, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgment dated 19.10.2022, convicted the petitioner/accused for the offences punishable under Sections 366 and 376(1) IPC, and sentenced him as under:

Conviction under Section	Sentence
366 IPC	Rigorous imprisonment for 7 years along with fine of Rs.2,000/-, in default, to undergo Rigorous imprisonment for one year.
306 IPC	Rigorous imprisonment for 10 years along with fine of Rs.5,000/-, in default, to undergo Rigorous imprisonment for one year.

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 there are



Crl.M.P.No.20098 of 2022 in Crl.A.No.1255 of 2022

arguable points in this Appeal. He further submitted that the petitioner has already paid the fine amount and now he 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.

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***



Crl.M.P.No.20098 of 2022 in Crl.A.No.1255 of 2022

Sessions Judge, Mahila Court, Salem.

(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, Mahila Court, Salem.
2. The Superintendent, Central Prison, Coimbatore.
3. The Inspector of Police,
Thalaivasal Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl.M.P.No.20098 of 2022 in Crl.A.No.1255 of 2022

V.SIVAGNANAM, J.,

rpl

Crl.M.P.No.20098 of 2022
in
Crl.A.No.1255 of 2022

03.01.2023