



*Crl.M.P.No.19671 of 2022 in
Crl.A.No.545 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19671 of 2022 in
Crl.A.No.545 of 2022

Thahapillai

... Petitioner

Vs.

State by: The Inspector of Police,
All Women Police Station,
Kallakurichi & District.
Crime No.3 of 2017

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C to suspend the sentence of imprisonment imposed on the petitioner by judgment dated 21.04.2022 passed in SC No.282 of 2017 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Court), at Villupuram and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner

: Mr.V.Gunasekar

For Respondent

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

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.C No.282 of 2017, vide judgement dated 21.04.2022, pending disposal of the Criminal Appeal.

2. The learned Sessions Judge, Mahalir Neethimandram (Fast Track Court), Villupuram, vide judgement dated 21.04.2022 passed in S.C.No.282 of 2017, convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
375 r/w 376 IPC	10 years Rigorous Imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo 3 months simple imprisonment
366 IPC	2 years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.

The Trial Court ordered the above sentences to run concurrently.

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



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arguable points in this Criminal Appeal. He further submitted that the petitioner is in custody from 21.04.2022 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. Considering the incarceration suffered by the petitioner and also taking into consideration of the above submission of the learned counsel 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 Sessions Judge, Magalir Neethimandram (Fast Track Court),***



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(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.

23.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The Sessions Judge, Magalir Neethimandram,
(Fast Track Court), Villupuram.
- 2.The Superintendent, Central Prison, Cuddalore.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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23.01.2023

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