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Crl.M.P.No.19885 of 2022 in Crl.RC.No.1687 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.19885 of 2022

in

Crl.RC.No.1687 of 2022

Satheeskumar

... Petitioner

/vs/

State, represented by
The Inspector of Police,
Keelapalur Police Station,
Ariyalur District.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 of Cr.P.C., to suspend the sentence imposed on the petitioner in C.C.No.160 of 2018 dated 17.06.2022 passed by the learned Judicial Magistrate Court-II, Ariyalur, as confirmed by the judgment of the Principal District and Sessions Judge, Ariyalur in C.A.No.9 of 2022, dated 14.09.2022

For Petitioner ... Mr. S. Arunkumar

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

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.C.No.160 of 2018,



dated 17.06.2022 passed by the learned Judicial Magistrate Court-II, Ariyalur, as confirmed by the judgment of the Principal District and Sessions Judge, Ariyalur in C.A.No.9 of 2022, dated 14.09.2022.

2. The trial court, by its judgment dated 17.06.2022, convicted and sentenced the petitioner/accused as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.337 IPC (4 counts)	To pay a fine of Rs.500/- for each count (total fine amount Rs.2,000/-), in default in payment, to undergo SI for 7 days
	U/s.338 IPC	To pay a fine of Rs.1000/-, in default in payment, to undergo SI for 7 days
	U/s.304(A) IPC (2 counts)	To undergo SI for one year for each count (in total - 2 years) and to pay a fine of Rs.5000/- for each count (in total - Rs.10,000/-), in default in payment, to undergo SI for 3 months

The sentences of imprisonment were ordered to run consecutively.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in C.C.No.160 of 2018, the petitioner preferred C.A.No.9 of 2022 before the Principal District and Sessions Judge, Ariyalur, who, by his



judgment dated 14.09.2022, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

5. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the respondent and perused the materials available on record.

6. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision 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.

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7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (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 is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

02.01.2023

msr

To

1.The Judicial Magistrate Court-II, Ariyalur.

2. The Principal District and Sessions Judge, Ariyalur



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3. The Inspector of Police,
Keelapalur Police Station,
Ariyalur District.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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