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Crl.M.P.No.662 of 2023 in Crl.A.No.56 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.662 of 2023
in Crl.A.No.56 of 2023

Vijayakumar

... Petitioner

/versus/

The State Rep by
The Inspector of Police,
Wellington Police Station,
Wellington,
The Nilgiris (Crime No.8 of 2021)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 (1) of Cr.P.C., to suspend the sentence imposed on the petitioner and grant bail in Spl.C.C.No.33 of 2021 on the file of the Sessions Judge, Magalir Needhimandram (FTMC), Udhagamandalam at Nilgiris dated 30.11.2022.

For Petitioner ... Mr.J.R.Prabhakaran

For Respondent ... Mr.C.E.Pratap
Government Advocate (Crl.Side)



ORDER

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This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Sessions Judge, Mahalir Neethi Mandram, (FTMC), Udthagamandalam, Nilgiris in Spl.C.C.No.33 of 2021, dated 30.11.2022 and to enlarge the petitioner/appellant on bail pending criminal appeal.

2. The petitioner, who is the accused in Spl.S.C.No.33 of 2021, was convicted and sentenced by the Sessions Mahalir Neethi Mandram, (FTMC), Udthagamandalam, Nilgiris, which reads as follows:

<i>Petitioner Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Accused	Under Section 363 of I.P.C	To undergo Simple Imprisonment for a period of one year and to pay a fine of Rs.1000/-, and in default to pay the fine to undergo a further period of S.I for three months.
	Under Section 343 of I.P.C	To pay a fine of Rs.1000/-, in default to pay the fine to undergo a further period of S.I for three months.

The period already undergone by the accused was ordered to be set off.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioner, he preferred the present criminal appeal along with



the instant miscellaneous petition, seeking suspension of sentence and bail.

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4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that there are arguable points in this appeal and the petitioner has a good and fair chance of success in this appeal. He would further submit that the fine amount was already paid. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal appeal.

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

7. Accordingly, the relief of suspension of sentence alone is granted 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 shall execute a bond



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for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each, for a likesum to the satisfaction of Sessions Judge, Mahalir Neethi Mandram, (FTMC), Udhagamandalam, Nilgiris

- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the trial Court as and when required.

23.01.2023

bsm

To

- 1.The Sessions Judge/Mahalir Neethi Mandram, (FTMC), Udhagamandalam, Nilgiris.
2. The Inspector of Police, Wellington Police Station, Wellington, The Nilgiris.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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