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Crl.M.P.No.1864 of 2023 in Crl.R.C.No.232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

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THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.1864 of 2023

in

Crl.R.C.No.232 of 2023

Gopi alias Gunaseelan

... Petitioner

Vs.

State Rep. by

The Sub Inspector of Police,

Katpadi Women's Wing Police Station,

Vellore District.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the sentence awarded to the petitioner vide judgment dated 09.04.2018 made in C.C.No.314 of 2015 on the file of the Judicial Magistrate Court, Katpadi confirmed by the judgment dated 28.04.2022 made in Criminal Appeal No.62 of 2019 on the file of the Principal District and Sessions Court, Vellore at Vellore District, pending disposal of this case.

For Petitioner

: Mr.T.P.Prabakaran

For Respondent

: Mr.V.Meganathan

Government Advocate (Crl.Side)



Crl.M.P.No.1864 of 2023 in Crl.R.C.No.232 of 2023

ORDER

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This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate Court, Katpadi in C.C.No.314 of 2015, vide judgement dated 09.04.2018, which was confirmed by the learned Principal District and Sessions Judge, Vellore in Crl.A.No.314 of 2015, vide judgment dated 28.04.2022, pending disposal of the Criminal Revision Case.

2. The Trial Court, vide its judgment dated 09.04.2018, convicted the accused for the offence under Section 294(b), 506(i) I.P.C., and Section 4 of Tamil Nadu Women Harassment Act, and sentenced him as under:

Conviction under Section	Sentence
294(b) IPC	To undergo Simple Imprisonment for 3 months.
506(i) IPC	To undergo Simple Imprisonment for 6 months.
Section 4 of Tamil Nadu Women Harassment Act	To undergo Simple Imprisonment for 2 years and to pay fine of Rs.10,000/-, in default simple imprisonment for 3 months.

3. Challenging the above judgment, the petitioner preferred an appeal



Crl.M.P.No.1864 of 2023 in Crl.R.C.No.232 of 2023

in Crl.A.No.62 of 2019, which was also confirmed by the first appellate Court, vide judgment dated 28.04.2022.

4. Challenging the conviction and sentence slapped by the Trial Court and the first Appellate Court, the petitioner is before this Court.

5. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Case. He further submitted that the petitioner is under custody and hence, prayed for suspension of sentence.

6. Heard the learned Government Advocate (Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

7. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has



Crl.M.P.No.1864 of 2023 in Crl.R.C.No.232 of 2023

substantial grounds in this Criminal Revision Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

8. 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 Judicial Magistrate Court, Katpadi.*

(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.

09.02.2023

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4 of 6



Crl.M.P.No.1864 of 2023 in Crl.R.C.No.232 of 2023

WEB COPY

1. The Judicial Magistrate Court, Katpadi.
2. The Superintendent, Central Prison, Vellore.
3. The Sub Inspector of Police,
Katpadi Women's Wing Police Station,
Vellore District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.M.P.No.1864 of 2023 in Crl.R.C.No.232 of 2023

V.SIVAGNANAM, J.,

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Crl.M.P.No.1864 of 2023
in
Crl.R.C.No.232 of 2023

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