



WEB COPY



Crl.M.P.No.20080 of 2022 in Crl.A.No.1323 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.20080 of 2022

in

Crl.A.No.1323 of 2022

Ragul

.. Petitioner

/versus/

State Rep by
Inspector of Police,
All Women Police Station,
Erode.
(Crime No.13 of 2021)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., praying to suspend the sentence imposed in the SC.No.40 of 2021 dated 05.12.2022 by the Learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Erode.

For Petitioner

... Mr.R.Vijayakumar

For Respondent

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



ORDER

WEB COPY This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Erode. in S.C.No.40 of 2021 dated 05.12.2022, pending criminal appeal.

2. The petitioner, who is the sole accused in S.C.No.40 of 2021, was acquitted from the offence under Section 406 of I.P.C and convicted and sentenced by the Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Erode, which reads as follows:

<i>Petitioner Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	Section 376 of IPC	To undergo 10 years R.I with fine of Rs.5,000/- in default to undergo Simple Imprisonment for three months.

The period of detention 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.

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 the judgment of the trial Court is contrary to law, weight of evidence and probabilities of the case; there are arguable points in this appeal and the petitioner has every chance of succeeding the appeal. He further submitted that the petitioner has already paid the fine imposed by the trial Court. The petitioner has been in the judicial custody for more than 25 days. Thus, he prayed for suspension of sentence, till the disposal of this Criminal Appeal.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been confined in the judicial custody for more than 25 days, 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 and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each for a likesum to the satisfaction of the Judicial Magistrate, Additional Mahila Court, Erode.



WEB COPY



Crl.M.P.No.20080 of 2022 in Crl.A.No.1323 of 20--

- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond 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.

03.01.2023

bsm

To

- 1.The Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Erode.
- 2.The Inspector of Police, All Women Police Station, Erode
- 3.The Superintendent,Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.M.P.No.20080 of 2022 in Crl.A.No.1323 of 2022

V.SIVAGNANAM, J.

bsm

Crl.M.P.No.20080 of 2022
in
Crl.A.No.1323 of 2022

03.01.2023