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Crl.M.P.No.19972 of 2022 in Crl.RC.No.1704 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19972 of 2022

in

Crl.RC.No.1704 of 2022

Devanathan

... Petitioner

/vs/

The State by
Sub Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by the Principal Sessions Judge, Cuddalore in C.A.No.15 of 2021 by judgment dated 24.11.2022, confirming the conviction and sentence passed by the Judicial Magistrate No.1, Cuddalore made in C.C.No.14 of 2017, dated 05.02.2021 and enlarge him on bail pending disposal of the above criminal revision petition.

For Petitioner	...	Mr. C. Prasanna Venkatesh
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 by the Principal Sessions



Judge, Cuddalore in C.A.No.15 of 2021 by judgment dated 24.11.2022, confirming the conviction and sentence passed by the Judicial Magistrate No.1, Cuddalore made in C.C.No.14 of 2017, dated 05.02.2021 and enlarge him on bail pending disposal of the above criminal revision petition.

2. Totally there were 3 accused in C.C.No.14 of 2017. The trial court, by its judgment dated 05.02.2021, ordered as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	U/s.326 IPC	To undergo SI for 3 years and a fine of Rs.3000/-, in default in payment of fine, to undergo 3 months SI Acquitted from the charge framed against him u/s.294(b), 506(ii) IPC
A2		Acquitted from the charge framed against him u/s.294(b), 323 IPC
A3		Acquitted from the charge framed against him u/s.294(b), 324 and 506(ii) IPC

A2 and A3 were set at liberty under section 248(1) of Cr.P.C.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner/A1 in C.C.No.14 of 2017, the petitioner preferred C.A.No.15 of 2021 before the Principal Sessions Judge, Cuddalore, who, by his judgment dated 24.11.2022, 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. 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.

6. 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



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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

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To

- 1.The Principal Sessions Judge, Cuddalore
2. The Judicial Magistrate No.1, Cuddalore
3. The Sub Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.
4. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.



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