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CrI.M.P.No.20099 of 2022 in CrI.A.No.1328 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.20099 of 2022
in CrI.A.No.1328 of 2022

S.Mohammed Asan

...

Petitioner

/vs/

State by the Inspector of Police,
All Women Police Station (West),
Coimbatore (Crime No.01/2020)

..

Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed against the petitioner by the Learned Mahila Court/Additional Special Court for exclusive trial of cases under POSCO Act, Coimbatore in S.C.No.137 of 2021 dated 22.11.2022 and release the petitioner on bail till the disposal of C.A.No of 2022 on the file of this Hon'ble Court.

For petitioner

...

Mr.M.Mohamed Saifulla

For Respondent

...

Mr.C.E.Pratap, GA (crl.side)



ORDER

WEB COPY This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed against the petitioner on 22.11.2022 in S.C.No.137 of 2021 by the Learned Mahila Court/Additional Special Court for exclusive trial of cases under POSCO Act, Coimbatore and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who is the sole accused in S.C.No.137 of 2021 was convicted and sentenced by Mahila Court/Additional Special Court for exclusive trial of cases under POSCO Act, Coimbatore, as follows:

<i>Petitioner Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole Accused	Under Section 451 of I.P.C	Sentenced to undergo one year imprisonment and to pay fine of Rs.1000/- , in default to undergo 3 months S.I.
	Under Section 354 (A) (i) of I.P.C	Sentenced to undergo two years imprisonment.

Both the sentences ordered to run concurrently.

3. Aggrieved over the same, the petitioner has 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 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 for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each, for a likesum to the satisfaction of Mahila Court/Additional Special Court for exclusive trial of



cases under POSCO Act, Coimbatore.

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- (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.

03.01.2023

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To,

1. The Mahila Court/Additional Special Court, for exclusive trial of cases under POSCO Act, Coimbatore.
2. The Inspector of Police, All Women Police Station (West), Coimbatore.
3. The Public Prosecutor, High Court, Madras

V.SIVAGNANAM, J.



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