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*Crl.M.P.No.19882 of 2022 in
Crl.Rc No.1685 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19882 of 2022 in
Crl.Rc No.1685 of 2022

Raj @ Surendar

... Petitioner

Vs.

State through the Sub Inspector of Police,
Paramathi Police Station.
Crime No157 of 2021

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) & 439 Cr.P.C to suspend the sentence passed by the Judicial Magistrate, Paramathi in C.C.No.8 of 2021 dated 31.03.2021 and confirmed by the Special Court for Trial of cases registered under SC/ST(POA) Act, Namakkal, vide order dated 18.07.2022 passed in C.A.No.113 of 2021 and enlarged the petitioner on bail, pending disposal of the Criminal Revision petition.

For Petitioner : Mr.N.Saravanan

For Respondent : Mr.V.Meganathan
Government Advocate (Crl. Side)



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.8/2021, vide judgement dated 31.03.2021, which was confirmed by the first Appellate Court in C.A.No.113/2021 dated 18.07.2022, pending disposal of the Criminal Revision Petition.

2. The petitioner (A2), and two other persons namely, Murugasuriya @ Murukku (A1), and Karuppasamy @ Muthu (A3) are the accused persons in C.C.No.8/2021 and the learned Judicial Magistrate, Paramathi, vide judgment dated 31.03.2021, convicted and sentenced the accused persons, as extracted hereunder.

Conviction and sentence imposed on A1 and A3

Conviction under Section	Sentence
458 IPC	3 years Rigorous Imprisonment
342 IPC	to pay fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment
380 IPC	3 years Rigorous imprisonment

Conviction and sentence imposed on A2



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Conviction under Section	Sentence
458IPC	3 years Rigorous Imprisonment
342 IPC	to pay fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment
380 r/w 34 IPC	3 years Rigorous imprisonment

The above sentences were ordered to run consecutively.

3. Challenging the above judgment of conviction, the petitioner(A2) and Karuppasamy @ Muthu (A3) preferred an Appeal in C.A.No.113 of 2021. The learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal, vide judgement dated 18.07.2022, confirmed the judgment passed by the Trial Court.

4. Challenging the conviction and sentence slapped by the Trial Court as well as the lower 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 Petition. He further submitted that the petitioner is in custody for more than 20 months and hence, prayed for suspension of sentence.

6. Heard the learned Government Advocate(Crl. side) appearing for the



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respondent and perused the impugned judgment and the materials on record.

7. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, 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, Paramathi.***

(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.



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Index: Yes/No
Internet: Yes/No
mst

To

1. The Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal.
2. The Judicial Magistrate, Paramathi.
3. The Superintendent, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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