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Crl.M.P.No.1311 of 2023 in Crl.R.C.No.175 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.1311 of 2023

in

Crl.R.C.No.175 of 2023

S.Murali.

... Petitioner

Vs.

Siva.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) r/w 439 of Cr.P.C., to suspend the sentence imposed upon the petitioner in STC. NO.128 of 2016 dated 01.10.2021 on the file of the Learned Judicial Magistrate No.III, Cuddalore and confirmed in Criminal Appeal No.42 of 2021, dated 12.12.2022, on the file of the Learned District and Sessions Judge, Cuddalore and to enlarge the petitioner on bail.

For Petitioner

: Ms.M.Subbulakshmi



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ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Judicial Magistrate No.III, Cuddalore in STC.No.128 of 2016, dated 01.10.2021, which was dismissed for default by the Principal Sessions Judge, Cuddalore, in C.A.No.42 of 2021, dated 12.12.2022 and to enlarge the petitioner/appellant on bail pending Criminal Revision Petition.

2. The petitioner, who is the accused in STC.No.128 of 2016, was convicted and sentenced by the Judicial Magistrate No.III, Cuddalore, which reads as follows:

Conviction under Section	Sentence
138 of N.I	To undergo S.I for period of 6 months and to pay a fine of Rs.3,000/- and in default shall undergo 15 days S.I.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioner, he preferred Crl.A.No.42 of 2021 which was dismissed for default on 12.12.2022. Therefore, he filed the present criminal revision along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner and the learned



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Govt. Advocate (crl.side) appearing for the State.

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5. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. He further submitted that the petitioner has already paid the fine imposed by the trial Court. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Revision Case.

6. 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.

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,



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each, for a likesum to the satisfaction of the Judicial Magistrate No.III, Cuddalore.

- (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.

02.02.2023

Index :Yes/No.
Internet :Yes/No.
bsm

To,

1. The Judicial Magistrate No.III, Cuddalore.
2. The Principal Sessions Judge, Cuddalore.
3. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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