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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.210 of 2024

Abdul Sageer @ Ponselvam

...Petitioner/Accused

Vs.

The State rep by
The Inspector of Police,
Chengalpattu All Women Police Station,
Chengalpattu District.

...Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to set aside the order dated 28.11.2022 passed by the learned Additional District Sessions Judge, Chengalpattu, in Crl.M.P.No.3345 of 2023.

For Petitioner

: Mr.R.Muthukumar

For Respondent

: Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed for suspension of sentence in CrI.M.P.No.3345 of 2023 dated 28.11.2022.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.The petitioner faced trial before the learned Judicial Magistrate, Additional Mahila Court, Chengalpet, in C.C.No.30 of 2018 for the offence under Sections 417, 493, 294(b), 420 and 506(i) of IPC. The petitioner was convicted for the offence under Section 417 of IPC and acquitted on other charges by judgment dated 18.08.2022 in C.C.No.30 of 2018.

4.The petitioner filed an appeal against this judgment in CrI.A.No.54 of 2022. The petitioner also filed an application in



Crl.M.P.No.4233 of 2022 seeking for suspension of sentence pending the criminal appeal. This petition was allowed by an order dated 28.11.2022 and the sentence was suspended with a condition that the petitioner must execute a bond for a sum of Rs.10,000/- with two sureties for a like sum to the satisfaction of the Trial Court.

4.The petitioner failed to comply with the above condition and as a result, the earlier application came to be automatically dismissed on 06.04.2023.

5.The petitioner filed yet another application for suspension of sentence in Crl.M.P.No.3345 of 2023. This application was dismissed on the ground that the application is not maintainable and that the earlier application filed for suspension of sentence was allowed with a condition and this condition was not satisfied by the petitioner and hence the earlier application stood dismissed on 06.04.2023.



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6.This Court does not find any illegality or infirmity in the order passed by the Court below. When the sentence was suspended pending the appeal and a condition was imposed, the petitioner was duty bound to comply with this condition. If the petitioner failed to comply with the condition and the suspension of sentence automatically gets revoked, the petitioner has to surrender before the Court and seek for bail or else he has to be arrested for undergoing sentence. There is no question of filing another application for suspension of sentence. The Court below has rightly dismissed the application and this Court does not find any ground to interfere with the same.

7.This Criminal Original Petition is dismissed accordingly.

05.01.2024

Index: Yes/No
Internet: Yes/No
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To

- 1.The Additional District Sessions Judge, Chengalpattu.
- 2.The Inspector of Police,
Chengalpattu All Women Police Station,
Chengalpattu District.
- 3.The Public Prosecutor,
High Court, Madras.



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6

N.ANAND VENKATESH.J.,

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CRL.O.P No.210 of 2024

05.01.2024