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Crl.M.P.No.1033 of 2024
in
Crl.R.C.No.126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.1033 of 2024
in
Crl.R.C.No.126 of 2024

Natraj

... Petitioner

Vs.

State rep.by,
The Inspector of Police,
Kavidapadi Police Station,
Erode District.

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 397(i) of Criminal Procedure Code, to suspend the sentence of imprisonment imposed on the petitioner by judgment dated 14.12.2023 passed in C.A.No.88 of 2021 on the file of the III Additional District and Sessions Court, Gobichettipalayam, Erode District, confirming the judgment dated 02.02.2021 passed in C.C.No.6 of 2021 on the file of the learned Judicial Magistrate No.II, Gobichettipalayam, Erode District, pending disposal of the above revision.



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For Petitioner : Mr.J.Titus Knock
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 14.12.2023 passed in C.A.No.88 of 2021 by the learned III Additional District and Sessions Judge, Gobichettipalayam, Erode District, confirming the judgment dated 02.02.2021 passed in C.C.No.6 of 2021 by the learned Judicial Magistrate No.II, Gobichettipalayam, Erode District, pending disposal of the criminal revision case and enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Section 394 IPC and was sentenced to undergo rigorous imprisonment for a period of three years and pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one week. Aggrieved by the same, the



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revision petition has been filed along with the present petition to suspend the sentence.

3. The learned counsel for the revision petitioner would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. It is further submitted that apprehending arrest, the present petition for suspension of sentence is filed and the petitioner is not in jail.

4. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone as against the petitioner is hereby suspended on the following conditions:



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(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Gobichettipalayam, Erode District, along with two sureties for a like sum;

(c) the petitioner shall report before the Court below on the first working day of every month at 10.30 AM, until further orders.

6. The Criminal Miscellaneous Petition is ordered accordingly.

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NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

Note: Issue order copy by 04.07.2024



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To

1. The learned Judicial Magistrate No.II, Gobichettipalayam, Erode District.
2. The learned III Additional District and Sessions Court, Gobichettipalayam, Erode District.
3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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