



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.Nos.7950 and 7955 of 2024

in

Crl.RC.No.953 of 2024

Palanisamy

... petitioner

-Vs-

The State,
Represented by Inspector of Police,
Thevoor Police Station,
Thevoor, Salem District,
Crime No.186 of 2015

... Respondent

PRAYER in Crl.M.P.No.7950 of 2024: Criminal Miscellaneous Petition filed under Section 389 (2) of the Criminal Procedure Code, to suspend the execution of sentence imposed on the petitioner dated 10.09.2022 made in C.A.No.43 of 2022 by the learned I Additional District and Sessions Judge, Salem, confirmed by conviction and modified the sentence passed by the learned Judicial Magistrate No.1, Sankari made in C.C.No.19 of 2016.



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PRAYER in Crl.M.P.No.7955 of 2024: Criminal Miscellaneous Petition filed under Section 482 of the Criminal Procedure Code, to issue a direction to exempt of surrender the petitioner herein for his appearance before the Hon'ble Judicial Magistrate No.I, Sankari in respect of order passed by I Additional District and Sessions Judge, Salem made in C.A.No.43 of 2022, dated 10.09.2022 confirmed the conviction and modified the sentence of judgment passed by the learned Judicial Magistrate No.I, Sankari made in C.C.No.19 of 2016 dated 06.06.2022.

For petitioner : Mr.K.V.Muthu Visakan
in both M.Ps

For Respondent : Mr.A.Gopinath
in both M.Ps Government Advocate (Crl.Side)

C O M M O N O R D E R

Crl.M.P.No.7950 of 2024 has been filed to suspend the sentence of imprisonment imposed on the petitioner in C.A.No.43 of 2022, vide judgment dated 10.09.2022, passed by the learned I Additional District and Sessions Judge, Salem confirming the conviction and modifying the sentence made in C.C.No.19 of 2016, vide judgment dated 06.06.2022 by the learned Judicial Magistrate No.1, Sankari.

2. Crl.M.P.No.7955 of 2024 has been filed seeking to exempt the



petitioner from surrendering before the learned I Additional District and Sessions Judge, Salem, in connection with conviction made in C.A.No.43 of 2022 vide judgment dated 10.09.2022, confirming the conviction and modifying the sentence made in C.C.No.19 of 2016 vide judgment 06.06.2022 by the learned Judicial Magistrate No.1, Sankari.

3. The revision petitioner was convicted for the offence under Section 324 of IPC and sentenced to undergo simple imprisonment for a period of two years and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month, vide judgment dated 06.06.2022 made in C.C.No.19 of 2016, which, conviction was confirmed and the sentence imposed by the trial Court alone is modified by the appellate Court that petitioner shall undergo the sentence of one year simple imprisonment in C.A.No.43 of 2022, vide judgment dated 10.09.2022 by the learned I Additional District and Sessions Judge, Salem. Aggrieved by the same, the revision has been filed along with the present petitions.

4. The learned counsel for the 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 petitions for suspension of sentence and exempting the petitioner from surrendering before the Court below are filed and the petitioner is not in jail.

5. 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 revision petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on the following conditions:

a) the petitioner shall execute a bond for a sum of Rs.10,000/- to the satisfaction of the learned Judicial Magistrate No.I, Sankari along with two sureties for a like sum;



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

7. CrI.M.P.No.7950 of 2024 is ordered accordingly. However, this Court is not inclined to exempt the petitioner from surrendering before the Court below. Hence, CrI.M.P.No.7955 of 2024 is dismissed.

10.06.2024
(2/2)

vji

Note: Issue order copy on 10.06.2024

To

1. The learned Judicial Magistrate No.I,
Sankari.
2. The learned I Additional District and Sessions Judge,
Salem.
3. The Inspector of Police,
Thevoor Police Station,
Thevoor, Salem District,
4. The Public Prosecutor,
High Court of Madras,
Madras.



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M.DHANDAPANI, J.

vji

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(2/2)**