



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3340 of 2024
and CRL.M.P No.2506 of 2024

Masanamuthu @ Masanamarimuthu

...Petitioner

Vs.

State by Inspector of Police,
Needamangalam Police Station,
Tiruvarur District.
(Crime No.585 of 2021)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 29.01.2024 made in Crl.M.P.No 93 of 2024 in C.C.No.75 of 2022 on the file of District Munsif Cum Judicial Magistrate at Needamanaglam, Tiruvarur District to extend suspend of sentence for further period of 30 days, which was already suspended by the Trail Court in C.C.No.75 of 2022

For Petitioner : Mr.V.Sivalingam

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed challenging the order passed by the Court below on 29.01.2024, dismissing the application filed seeking for



extending the period of suspension for thirty days to enable the petitioner to file the appeal before the concerned Court and to seek for suspension of sentence before the Appellate Court.

2. Heard the learned counsel for the petitioner and carefully perused the materials available on record.

3. The petitioner underwent trial before the learned Judicial Magistrate, Needamangalam in C.C.No.75 of 2022 for offence under Sections 166, 354(A)(1)(i), 354(A)(1)(ii), 154(A)(1)(iii), 354(D)(1)(i), 498 of IPC. The Trial Court by judgment dated 29.12.2023, convicted the petitioner for various offences and also imposed appropriate sentence. The Trial Court also suspended the sentence till 29.01.2024. In the meantime, the petitioner deposited the fine amount and he also filed the appeal before the learned Principal District and Sessions Judge, Thiruvavarur on 22.01.2024. E-filing was done for the petitioner and there was some problem and hence, the petitioner also filed physical copies before the concerned Court on 22.01.2024. By the time, the appeal was entertained, the period of suspension of sentence granted by the Trial Court came to an end on 29.01.2024. Hence, the petitioner sought for extension of the period of suspension of sentence and the same was rejected by the Trial Court and non-bailable warrant



was also issued against the petitioner. Aggrieved by the same, the present criminal original petition has been filed before this Court.

4.The learned counsel for the petitioner submitted that the criminal appeal has been numbered as Crl.A.No.155 of 2024 and it is pending before the learned Principal District and Sessions Judge, Thiruvarur.

5.Taking into consideration the facts and circumstances of the case, there shall be a direction to the petitioner to surrender before the learned Principal District and Sessions Judge, Thiruvarur on or before 21.02.2024 and file a bail application before the concerned Court. The learned Principal District and Sessions Judge, Thiruvarur shall deal with the application and enlarge the petitioner on bail by imposing reasonable conditions. Till such an order is passed by the learned Principal District and Sessions Judge, Thiruvarur, the order passed by the Trial Court issuing non-bailable warrant against the petitioner shall be kept in abeyance. It is made clear that if the petitioner does not surrender before the Appellate Court within the time frame fixed by this Court and does not file a bail application, the non-bailable warrant issued by the Trial Court shall revive and the petitioner shall be secured and shall be made to undergo the sentence imposed by the Trial Court.



N.ANAND VENKATESH, J

ssr

6.This criminal original petition is disposed of with the above directions.

Consequently, connected miscellaneous petition is closed.

14.02.2024

Index: Yes/No

Internet: Yes/No

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Note:Issue Order Copy on 15.02.2024

To

- 1.The District Munsif Cum Judicial Magistrate
Needamanaglam, Tiruvarur District.
- 2.The Inspector of Police,
Needamangalam Police Station,
Tiruvarur District.
- 3.The Public Prosecutor,
High Court, Madras.

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