



Crl.M.P.Nos.2682 and 2683 of 2024
in
Crl.R.C.No.277 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.Nos.2682 and 2683 of 2024
in
Crl.R.C.No.277 of 2024

Ajithkumar

... Petitioner in both petitions

Vs.

The State Rep.by
Station House Officer,
Nellikuppam Police Station,
Cuddalore District.
Crime No.74 of 2021.

... Respondent in both petitions

PRAYER in Crl.M.P.No.2682 of 2024 : Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code, to suspend the sentence imposed on the petitioner in Crl.A.No.58 of 2023 dated 19.12.2023 passed by the 1st Additional District and Sessions Court, Cuddalore, confirming the judgment passed in C.C.No.338 of 2022 by the learned Judicial Magistrate No.1, Cuddalore, dated 11.07.2023.

PRAYER in Crl.M.P.No.2683 of 2024 : Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, to exempt the petitioner from surrendering pursuant to the judgment in C.A.No.58 of 2023 dated 19.12.2023 passed by the 1st Additional District and Sessions Court,



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Cuddalore, confirming the judgment passed in C.C.No.338 of 2022 by the learned Judicial Magistrate No.1, Cuddalore, dated 11.07.2023.

For Petitioner
in both petitions : Mr.D.Chandrakumar

For Respondent
in both petitions : Mr.K.S.Mohandoss
Additional Public Prosecutor

COMMON ORDER

Crl.M.P.No.2682 of 2024 has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 19.12.2023 passed in C.A.No.58 of 2023 by the learned I Additional District and Sessions Judge, Cuddalore, confirming the judgment dated 11.07.2023 passed in C.C.No.338 of 2022 by the learned Judicial Magistrate No.1, Cuddalore, pending disposal of the criminal revision case and enlarge the petitioner on bail.



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2. Crl.M.P.No.2683 of 2024 has been filed seeking to exempt the petitioner from surrendering before the learned I Additional District and Sessions Judge, Cuddalore in connection with conviction made in C.A.No.58 of 2023 vide judgment dated 19.12.2023, confirming the conviction and sentence made in C.C.No.338 of 2022 vide judgment dated 11.07.2023 by the learned Judicial Magistrate No.1, Cuddalore.

3. The petitioner was convicted for the offence under Section 326 IPC and was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.2,000/-, in default of payment, to undergo simple imprisonment for a period of one month. Aggrieved by the same, the revision petition has been filed along with the present petition to suspend the sentence.

4. The learned counsel for the revision petitioner would submit that there are lot of material contradictions in the evidence of the



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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.

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 petitioner is entitled for the relief of suspension of sentence.

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

(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.I, Cuddalore, 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. Crl.M.P.No.2682 of 2024 is ordered accordingly. However, this Court is not inclined to exempt the petitioner from surrendering before the Court below. Hence, Crl.M.P.No.2683 of 2024 is dismissed.

24.07.2024
(2/2)

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

Note: Issue order copy by 29.07.2024



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To

1. The 1st Additional District and Sessions Court, Cuddalore.
2. The learned Judicial Magistrate No.1, Cuddalore.
3. The Station House Officer,
Nellikuppam Police Station,
Cuddalore District.



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M.DHANDAPANI, J.

ssb

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**24.07.2024
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