

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.MP.No.6512 of 2024
and Crl.RC No.699 of 2024

Alexander

... petitioner

-Vs-

The Inspector of Police,
Attur Police Station,
Cr. No.55/2014.

... Respondent

Prayer: Criminal revision is filed under Sections 389 (i) of the Criminal Procedure Code, to suspend the sentence passed by the learned Principle Sessions Judge, Salem in judgment dated 08.03.2021 passed in C.A.No.62 of 2020, confirming the judgment dated 19.08.2020 passed in CC.No.386 of 2014 on the file of the learned Judicial Magistrate-II, Salem to enlarge the petitioner on bail.

For petitioner : Mr.T.M.Ramalingam

For Respondent : Mr.A.Gopinath

Government Advocate (Crl. Side)

ORDER

The Criminal Revision has been filed as against the Judgment passed by the learned Principle Sessions Judge, Salem in judgment dated 08.03.2021 passed in C.A.No.62 of 2020, confirming the judgment dated 19.08.2020 passed in CC.No.386 of 2014 on the file of the learned Judicial Magistrate-II, Salem for an offence Under Section 457 and 380 of IPC and



convicted and sentenced the petitioner to undergo one year SI and also to pay a fine of Rs.100/- in default, three months SI for the offence under Section 457 IPC and sentenced to undergo three years SI and also to pay a fine of Rs.100/- in default, three months SI and the remand period was given set off. The petitioner has filed the above miscellaneous petition seeking suspension of sentence of imprisonment.

2. The case of the prosecution is that the petitioner is arrayed as A-4 in this case. On 14.01.2014, the petitioner along with other accused persons committed theft of 10 Nos of wooden Boards and 16 Nos of wood logs worth about Rs.15,000/- from the building which was used for keeping the material objects by the Judicial Magistrate Court, FTC, Attur. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the accused persons for the offence under Section 381 read with 34 IPC and Section 457, 380 read with 34 IPC.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Government Advocate submitted that the Court below



has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

5. This Court carefully considered the submissions made on either side.

6. Considering the facts and circumstances of the case and in view of the fact that there are arguable points which require a consideration in the revision and the co-accused have already enlarged on bail, this Court is inclined to suspend the sentence imposed by the Court below.

7. The sentence imposed by the Court below vide Judgment made in C.C No.386 of 2014 dated 19.08.2020 on the file of learned Judicial Magistrate, No.II, Salem District, is hereby suspended, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Salem and to appear before the learned Judicial Magistrate on the first working day of every week at 10.30 a.m., until further orders.

17.04.2024

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M.DHANDAPANI,J

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WEB COPY

Note: Issue order copy on 17.04.2024**To**

1. The Sessions Judge, Salem.
2. The Judicial Magistrate-II, Salem.
3. The Inspector of Police,
Attur Police Station, Salem.
4. The Public Prosecutor,
High Court, Madras.
5. The Superintendent
Central Prison, Coimbatore.

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