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Crl.M.P.No.4992 of 2024 in Crl.R.C.No.537 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P.No.4992 of 2024
in
Crl.R.C.No.537 of 2024**

1.Jothi
2.Jayavel

... Petitioners

Vs.

State by
Sub-Inspector of Police,
K4 Anna Nagar Police Station,
Chennai – 600 040.
Crime No.2679 of 2012

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Sections 397(1) of Criminal Procedure Code, praying to suspend the sentence imposed by the XXI Additional Sessions Judge in Criminal Appeal No.97 of 2023 dated 19.01.2024 by confirming the conviction and sentence imposed on the petitioner herein by the V Metropolitan Magistrate Egmore at Chennai in C.C.No.4257 of 2013 dated 16.02.2023 and enlarge the petitioners on bail pending disposal above criminal revision.



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For Petitioners : Mr.Jerry V.V.Sundar
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This miscellaneous petition is filed to suspend the sentence imposed by the XXI Additional Sessions Judge in Criminal Appeal No.97 of 2023 dated 19.01.2024 by confirming the conviction and sentence imposed on the petitioner herein by the V Metropolitan Magistrate Egmore at Chennai in C.C.No.4257 of 2013 dated 16.02.2023 and enlarge the petitioners on bail pending disposal above criminal revision.

2. Petitioners were convicted for the offence under Section 381 r/w 109 of IPC and were sentenced to undergo two years simple imprisonment and to pay a fine of Rs.2,000/- by each of the petitioners, in default to undergo two months simple imprisonment, against which, the petitioners preferred an appeal in Criminal Appeal No.97 of 2023 and the same was dismissed. Hence, the petitioners seek suspension of sentence.

3. The learned counsel for the petitioners would submit that there are



lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that the 1st petitioner is now confined in Puzhal Prison-III, Puzhal, Chennai and the 2nd petitioner is now confined in Puzhal Prison-I, Puzhal, Chennai.

4. Heard the submissions of the learned Government Advocate (Crl.Side) appearing for the respondent.

5. Having regard to the fact that there are arguable points involved in the criminal revision case and further, the revision is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like



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sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore, Chennai and on further condition that the petitioners shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision.

7. This criminal miscellaneous petition is ordered accordingly.

24.04.2024
(2/2)

Index: Yes/No
Speaking Order / Non-speaking order
NCC: Yes/No
sp

To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The XXI Additional Sessions Judge,
Chennai.
- 3.The Sub-Inspector of Police,
K4 Anna Nagar Police Station,
Chennai – 600 040.
- 4.The Puzhal Prison - III,
Puzhal,

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Chennai.

5.The Puzhal Prison- I,
Puzhal,
Chennai.

6.Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI,J.

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