



*Crl.MP.No.7586 of 2024
in Crl.RC.No.879 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Crl.M.P.No.7586 of 2024

in

Crl.RC.No.879 of 2024

Sathishkumar

...Petitioner

-VS-

The State represented by
The Station House Officer,
Cuddalore O.T Police Station,
Cuddalore District.

...Respondent

Prayer:- Civil Miscellaneous Petition filed under Section 389(3) of Cr.P.C., to suspend the sentence till the disposal of Revision filed against the judgment in C.A.No.3 of 2023 dated 11.09.2023 on the file of the I Additional District and Sessions Judge at Cuddalore District, as confirmed in C.C.No.766 of 2019 on the file of the learned Judicial Magistrate, No.II, Cuddalore dated 29.12.2022.

For Petitioner : Mr.D.Padmanabhan



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For Respondent : Mr.L.Baskaran,
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence till the disposal of Revision filed against the judgment in C.A.No.3 of 2023 dated 11.09.2023 on the file of the I Additional District and Sessions Judge at Cuddalore District, as confirmed in C.C.No.766 of 2019 on the file of the learned Judicial Magistrate, No.II, Cuddalore dated 29.12.2022.

2. The petitioner/accused in the above Sessions Case, was convicted and sentenced as follows:

Offence under Section	Sentence imposed
394 read with 34 of the IPC	To undergo simple imprisonment for 3 years and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for one month.

3. Challenging the above conviction and sentence, the petitioner/ accused has filed the above Petition and he seeks suspension of sentence and bail in the present petition.

4. The learned counsel for the petitioner/accused would submit that there



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are arguable points available in the Criminal Revision and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

5. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent raised serious objection for allowing the petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

6. Heard D.Padmanabhan, the learned counsel for the petitioner and Mr.L.Baskaran, the learned Government Advocate (Crl.Side) appearing for the respondent.

7. It is brought to the notice of this Court that the sentence of the Accused



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No.1 had already been suspended by this Court vide order dated 22.11.2023 passed in Crl.M.P.No.16490 of 2023 in Crl.R.C.No.1726 of 2023. In view of the same, I am also inclined to suspend the substantive sentence made against the petitioner herein/accused no.3 till the disposal of the present Criminal Revision Petition and the petitioner is ordered to be enlarged on bail.

8. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment is suspended and the sentence imposed on the petitioner is suspended on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned learned Judicial Magistrate, No.II, Cuddalore;

(ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii)The petitioner shall appear before the trial



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Court on the Monday of every week at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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Speaking/Non-Speaking order

Neutral Citation: Yes/No

Issue order copy by .05.2024

Copy to

1. I Additional District and Sessions Judge,
Cuddalore District,
2. Judicial Magistrate, No.II, Cuddalore.
3. The Public Prosecutor, Madras High Court,
Chennai – 600 104.
4. The Station House Officer,
Cuddalore O.T Police Station, Cuddalore District.



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K.KUMARESH BABU, J.
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