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Crl.O.P.No.9347 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.9347 of 2024

L.Kanagaraj

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Kariya Koil Police Station,
Crime No.103 of 2020

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records relating to the order dated 04.10.2023 made CMP.No.2908 of 2023 in CA.No.166 of 2023 on the file of the III Additional District and Sessions Judge, Salem and set aside the same.

For Petitioner : Mr.V.Subramanian
for M/s.S.P.Yuvaraj

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed for suspension of sentence.

Pending Criminal Appeal before the lower appellate Court in C.A.No.166



Crl.O.P.No.9347 of 2024

of 2023 on the file of the III Additional District and Sessions Court, Salem, the petitioner herein has approached this Court based on the earlier order passed by this Court while dismissing the petition for suspension of sentence with observation that if the appeal is not completed within a period of three months, the petitioner shall revive his petition.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police states that the appeal is adjourned to 19.04.2024. However due to the general election, 19.04.2024 been declared as public holiday. Probably the case is not taken on that day and every possibility of adjourning the date.

3. This Court clarifies that the right to revive the suspension of sentence petition given to the petitioner herein with an intention to move the lower appellate Court by filing a fresh petition for suspension of sentence. If such petition is filed, the lower appellate Court shall consider the petition and decide it on merits based on the facts and circumstances.

4. With this clarification, this Criminal Original Petition is



CrI.O.P.No.9347 of 2024

disposed of.

WEB COPY

18.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The III Additional District and Sessions Judge, Salem

2.The Inspector of Police,
Kariya Koil Police Station.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

rpl



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