



*Crl.MP.No.7702 of 2024
in Crl.RC.No.900 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2024

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Crl.M.P.No.7702 of 2024

in

Crl.RC.No.900 of 2024

1. Karthick
2. Sivanandham @Siva ...Petitioners

-VS-

The Inspector of Police,
Kannankurichi Police Station,
Salem District. ...Respondent
(Crime No.424 of 2017)

Prayer:- Civil Miscellaneous Petition filed under Section 389 and 439 of Cr.P.C., to suspend the sentence imposed on the petitioner herein by the Learned I Additional District and Sessions Judge, Salem in C.A.No.73 of 2019 passed on 19.04.2024 confirming the judgment passed by the Learned Judicial Magistrate No.4 Salem in C.C.NO.115 of 2023 on 02.03.2023 enlarge them on bail pending disposal of the above Crl.Revision Petition on the file of this Honble Court.

For Petitioners : Mr.R.Rajan

For Respondent : Mr.L.Baskaran,



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Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking sentence imposed on the petitioners herein by the learned I Additional District & Sessions Judge, Salem in C.A.No.73 of 2019 passed on 19.04.2024, confirming the judgment passed by the Learned Judicial Magistrate No.4 Salem in C.C.No.115 of 2023 on 02.03.2023 enlarge them on bail pending disposal of the above Criminal Revision Petition.

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

Offence under Section	Sentence imposed
457 of IPC	To undergo rigorous imprisonment for 3 years and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for three months each.
380 of IPC	To undergo rigorous imprisonment for 3 years and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for three months each.
The sentences imposed are ordered to be run concurrently	

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



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4. The learned counsel for the petitioners/accused would submit that there 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 petitioners/accused may be suspended. He would submit that the petitioners 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 Mr.R.Rajan, the learned counsel for the petitioners and Mr.L.Baskaran, the learned Government Advocate (Crl.Side) appearing for the respondent.



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7. Considering the said facts and circumstances of the case, I am inclined to grant suspension of the substantive sentence made against the petitioner herein till the disposal of the present Criminal Revision Case and the petitioners are 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 petitioners is suspended on the following conditions:

(i) The petitioners 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.IV Salem;

(ii)The petitioners 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 petitioners 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, Salem.
2. Judicial Magistrate No.4 Salem
3. The Public Prosecutor, Madras High Court,
Chennai – 600 104.
4. The Inspector of Police,
Kannankurichi Police Station,
Salem District.



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K.KUMARESH BABU, J.
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