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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P. No.6704 of 2024
in Crl.A. No.453 of 2024

D.Raj @ Sandhiyaraj

... petitioner

-Vs-

The State Rep.by

The Inspector of Police,

W-32, Madipakkam All Women Police Station,

Madipakkam, Chennai-600 091.

Crime No.6 of 2015

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389 of the Criminal Procedure Code, to suspend the sentence imposed by the learned Sessions Judge, Mahila Court at Chengalpattu in S.C.No.104 of 2017, vide judgment dated 22.03.2024 and enlarge the petitioner on bail, pending disposal of the appeal.

For petitioner : Mr.M.Udhaya Kumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER



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The Criminal Appeal has been filed as against the Judgment and sentence passed by the learned Sessions Judge, Mahila Court, Chengalpattu, in S.C.No.104 of 2017, dated 22.03.2024, in and by which, the petitioner was convicted for the offence under Sections 376 and 417 IPC and in respect of Section 376 IPC, the petitioner was sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of three months, and in respect of Section 417 IPC, he was sentenced to undergo rigorous imprisonment for a period of one year and pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month. The above said sentences shall run concurrently. Challenging the same, the appellant has filed the Criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned counsel for the petitioner has raised several arguable grounds insofar the appeal is concerned and it will take some more time for this Court to take up the criminal appeal and to dispose of the same.

3. In the facts and circumstances of the case, the Criminal Miscellaneous Petition is ordered and the punishment of imprisonment



imposed as against the petitioner is hereby suspended and he is directed to be released on bail on the following conditions:

a) the petitioner shall execute a bond for a sum of Rs.10,000/- to the satisfaction of the learned Sessions Judge, Mahila Court, Chengalpattu, along with two sureties for a like sum;

b) the petitioner shall report before the Court below on the first working day of every month, pending disposal of the appeal.

4. Post the main appeal in the usual course.

05.07.2024

ssb

Note: Issue order copy on 05.07.2024



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To

1. The Inspector of Police,
W-32, Madipakkam All Women Police Station,
Madipakkam, Chennai-600 091.
2. The learned Sessions Judge, Mahila Court at Chengalpattu.
3. The Superintendent,
Puzhal Central Prison.
4. The Public Prosecutor, High Court of Madras.



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M.DHANDAPANI, J.

ssb

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