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*CrI.M.P.No.7607 of 2024
in CrI.RC.No.883 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CrI.M.P.No.7607 of 2024

in

CrI.RC.No.883 of 2024

Muraliraj

...Petitioner

-VS-

State represented by the Inspector of Police,
Kolacombai Police Station,
The Nilgris
(Crime No.16 of 2020)

...Respondent

Prayer:- Civil Miscellaneous Petition filed under Section 397(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in C.A.No.10 of 2024 dated 28.03.2024 on the file of Learned Sessions Division of the Nilgiris District at Udhagamandalam confirming the conviction and sentence passed by the Learned Judicial Magistrate, Coonoor dated 15.12.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner : Mr.J.Franklin



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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 imposed on the petitioner in C.A.No.10 of 2024 dated 28.03.2024 on the file of Learned Sessions Division of the Nilgiris District at Udthagamandalam confirming the conviction and sentence passed by the Learned Judicial Magistrate, Coonoor dated 15.12.2023.

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

Offence under Section	Sentence imposed
279 of the IPC	To undergo simple imprisonment for six months and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment;
304(A) of the IPC	To undergo simple imprisonment for one year and to pay a fine of Rs.4,000/-, in default to undergo six months simple imprisonment;
Sentences were ordered to run concurrently.	

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.



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4. The learned counsel for the petitioner/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 are 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.J.Franklin, the learned counsel for the petitioner and Mr.L.Baskaran, the learned Government Advocate (Crl.Side) appearing for the



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respondent.

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7. The petitioner has been convicted under Section 279 of IPC and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment and under Section 304(A) of the IPC and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.4,000/-, in default to undergo six months simple imprisonment.

8. 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 Petition and the petitioner is ordered to be enlarged on bail.

9. 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.5,000/-, with two independent sureties, each for a like



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sum to the satisfaction of the learned Judicial Magistrate,
Coonoor ;

(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 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



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Copy to

1. The Sessions Division of the Nilgiris District,
Udhagamandalam
2. The Judicial Magistrate, Coonoor
3. The Public Prosecutor, Madras High Court,
Chennai – 600 104.
4. The Inspector of Police,
Kolacombai Police Station,
The Nilgris.



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K.KUMARESH BABU, J.
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