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*Crl.MP.No.7588 of 2024
in Crl.RC.No.880 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.7588 of 2024

in

Crl.RC.No.880 of 2024

Ajithkumar

...Petitioner

-VS-

The State represented by
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur
(Crime No.400 of 2023)

...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. 184 of 2023 dated 11.03.2024 on the file of learned Principal Sessions Judge, Tiruppur modifying the conviction and sentence passed by the learned Judicial Magistrate No.II, Tiruppur in C.C.No. 371 of 2023 dated 03.07.2023 and enlarge the petitioner on bail pending disposal of the above criminal revision case and pass such further or other orders as this Hon'ble court may deem fit.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.L.Baskaran,



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Government Advocate (Crl.Side)

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ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed on the petitioner in C.A.No.184 of 2023 dated 11.03.2024 on the file of learned Principal Sessions Judge, Tiruppur modifying the conviction and sentence passed by the learned Judicial Magistrate No.II, Tiruppur in C.C.No.371 of 2023 dated 03.07.2023.

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

Offence under Section	Sentence imposed
379 of IPC	To undergo rigorous imprisonment for 3 years.

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 are arguable points available in the Criminal Revision and the petitioner/accused have got a fair chance of succeeding in the Criminal Revision



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

7. The petitioner herein had been convicted for offence under Section 379 of IPC and sentenced to undergo rigorous imprisonment for three years. But, however on appeal, the said sentence had been modified to six months



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imprisonment.

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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 Case 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.10,000/-, with two independent sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Tiruppur;

(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



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(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

Copy to

1. The Principal Sessions Judge, Tiruppur
2. The Judicial Magistrate No.II, Tiruppur.
3. The Public Prosecutor,Madras High Court,
Chennai – 600 104.
4. The Inspector of Police,
Tiruppur South Police Station, Tiruppur



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K.KUMARESH BABU, J.
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