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Crl.M.P.No.7718 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2024

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THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Crl.M.P.No.7718 of 2024
in Crl.RC.No.903 of 2024

Nandakumar

... Petitioner

Vs.

The Inspector of Police,
Karunya Nagar Police Station,
Coimbatore

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) of Cr.P.C., pleased to suspend the sentence imposed on the petitioner in C.C.No. 1530 of 2020 by an order dated 12.01.2023 on the file of Judicial Magistrate No. V, Coimbatore and confirmed in Criminal Appeal No. 44 of 2023 on the file of the I Additional District Judge, Coimbatore by a Judgment dated 06.03.2024 and release the petitioner on bail pending disposal of the above Criminal Revision.

For Petitioner : Mr.K. Balasubramanian

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



Crl.M.P.No.7718 of 2024

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed on the petitioner in C.C.No. 1530 of 2020 by an order dated 12.01.2023 on the file of Judicial Magistrate No. V, Coimbatore and confirmed in Criminal Appeal No. 44 of 2023 on the file of the I Additional District Judge, Coimbatore by a Judgment dated 06.03.2024 and to release the petitioner on bail pending disposal of the above Criminal Revision.

2. The conviction and sentence imposed against the petitioner is as follows:-

<i>Under Section</i>	<i>Sentence</i>
Section 325 of Indian Penal Code	three years simple imprisonment and imposed fine of Rs. 2,000/- in default to undergo simple imprisonment for one month.
Section 353 of Indian Penal Code	Two years simple imprisonment and to pay fine of Rs. 1,000/- in default to undergo simple imprisonment for one month.

3. According to the learned counsel for the petitioner, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the petitioner has got a fair



Crl.M.P.No.7718 of 2024

chance of succeeding in the Criminal Revision Case and hence, the sentence imposed against the petitioner may be suspended and the petitioner may be enlarged with bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner guilty, convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision



Crl.M.P.No.7718 of 2024

case, suspension of sentence is granted, on the following conditions :-

- i. The petitioner/appellant shall execute bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No. V, Coimbatore ;
- ii. The petitioner/appellant shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

09.05.2024

2/2

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To

1. The Judicial Magistrate No. V,
Coimbatore.
2. The I Additional District Judge,
Coimbatore
2. The Inspector of Police,
Karunya Nagar Police Station,
Coimbatore
3. The Public Prosecutor,
High Court of Madras.



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Crl.M.P.No.7718 of 2024

K. KUMARESH BABU, J.
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Crl.M.P.No.7718 of 2024
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09.05.2024

2/2