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Crl.M.P.No.7880 of 2024
in Crl.R.C.No.925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

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THE HON'BLE MR. JUSTICE S.SOUNTHAR

Crl.M.P.No.7880 of 2024

in

Crl.RC.No.925 of 2024

S.Kannan

... Petitioner/Appellant

Vs.

State by,
Inspector of Police,
Perambalur Police Station.
(Crime No.1171/2012)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., pleased to suspend the execution of the Sentence passed in C.C.No.71 of 2014 dated 03.05.2023 on the file of the Judicial Magistrate I at Perambalur and which was confirmed by Principal District Judge and Sessions Judge at Perambalur in Criminal Appeal No.11 of 2023, dated 25.03.2024 and to enlarge the petitioner on bail.

For Petitioner : Mr.V.P.Chamuraj
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of the execution of the Sentence passed in C.C.No.71 of 2014 dated 03.05.2023 on the file of the Judicial Magistrate I at Perambalur and which was confirmed by Principal District Judge and Sessions Judge at Perambalur in Criminal Appeal No.11 of 2023, dated 25.03.2024 and to enlarge the petitioner on bail.

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

<i>Under Section</i>	<i>Sentence</i>
255(2) of Cr.P.C	Sentenced to undergo simple imprisonment for a period of 3 months and shall pay the fine of Rs.1,000/- under Section 279 of IPC, payable to the State, failing which shall undergo default sentence of two weeks imprisonment
338 of IPC	Sentenced to undergo simple imprisonment for a period of three months and shall pay the fine of Rs.1,000/-, failing which shall undergo default sentence of two weeks imprisonment
304-A of IPC	Sentenced to undergo simple imprisonment for a period of one year and shall pay a fine of Rs.5,000/-, payable to State, failing which shall undergo default sentence of one month simple imprisonment
Sentences shall run concurrently	

3. Learned counsel for the petitioner/appellant submitted that the fine



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WEB CORD amount has been paid by the petitioner/appellant. According to the learned counsel for the petitioner/appellant, there are arguable points available in the Criminal Revision, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Revision Case and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail. He further submitted that the Appellate Court suspended the sentence in the pending appeal.

4. Learned Government Advocate (Crl.Side) appearing for the respondent opposed for grant of suspension of sentence stating that the Courts below, after taking into consideration the oral and documentary evidence produced by the prosecution, has found the petitioner/appellant guilty and convicted him as stated above.

5. Heard the learned counsel for the petitioner/appellant and learned Additional Public Prosecutor appearing for the respondent and perused the materials on record.



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WEB COPY6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant, 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 Case, suspension of sentence is granted, on the following conditions :-

- (1)The petitioner/appellant shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate I, Perambalur;
- (2)The petitioner/appellant shall appear before the trial Court on the 1st working day of every month at 10.30 a.m., starting from the 1st working day of July 2024, until further orders.

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.



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To

- 1.The Inspector of Police,
Perambalur Police Station.
- 2.The Judicial Magistrate I,
Perambalur.
- 3.The Principal District Judge & Sessions Judge,
Perambalur.
- 4.The Public Prosecutor,
High Court of Madras.



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S.SOUNTHAR, J.

Jeni

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