



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

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

Crl.M.P.Nos.8026 and 8027 of 2024
in Crl.RC.No.961 of 2024

Magesh

...Petitioner in both petitions

Vs.

The State rep.by
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai.
petitions

...Respondent in both

Prayer in Crl.M.P.No.8026 of 2024: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code praying to suspend the sentence imposed on the petitioner in C.C.No.4257 of 2013 by an order dated 29.07.2022 by the learned XVIII Metropolitan Magistrate Judge, Saidapet and confirmed in Criminal Appeal No.188 of 2022 by the learned XVI Additional District and Session Judge, Chennai, vide judgment dated 16.04.2024 and release the petitioner on bail, pending disposal of the criminal revision.

Prayer in Crl.M.P.No.8027 of 2024: Criminal Miscellaneous Petition filed



under Section 482 of Criminal Procedure Code praying to exempt the petitioner from surrendering as per the order dated 16.04.2024 passed in C.A.No.188 of 2022 by the learned XVI Additional District and Session Judge, Chennai, before the trial Court in C.C.No.4257 of 2013 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai, dated 29.07.2022, pending disposal of the above revision.

In both petitions

For Petitioner : Mr.S.V.D.Rajendra Prasad

COMMON ORDER

Crl.M.P.No.8026 of 2024 has been filed to suspend the sentence of imprisonment imposed on the petitioner in C.A.No.188 of 2022 vide judgment dated 16.04.2024 by the learned XVI Additional District and Session Judge, Chennai, confirming the conviction and sentence made in C.C.No.4257 of 2013, vide judgment dated 29.07.2022, by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. Crl.M.P.No.8027 of 2024 has been filed seeking to exempt the petitioner from surrendering before the learned XVI Additional District and



WEB COURT

Session Judge, Chennai, in connection with conviction made in C.A.No.188 of 2022 vide judgment dated 16.04.2024, confirming the conviction and sentence made in C.C.No.4257 of 2013 vide judgment dated 29.07.2022 by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

3. The revision petitioner was convicted for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and sentenced to undergo simple imprisonment for a period of three years and to pay a fine of Rs.10,000/-, in default, to undergo imprisonment for a period of one year and he was acquitted from the offence under Section 506 IPC, vide judgment dated 29.07.2022 made in C.C.No.4257 of 2013, which, appeal was confirmed by the appellate court in C.A.No.188 of 2022 vide judgment dated 16.04.2024 by the learned XVI Additional District and Session Judge, Chennai. Aggrieved by the same, the revision has been filed along with the present petitions.



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4. The learned counsel for the petitioner would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. It is further submitted that apprehending arrest the present petitions for suspension of sentence and exempting the petitioner from surrendering before the Court below are filed and the petitioner is not in jail.

5. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, 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:



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a) the Petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, 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 at 10.30 AM, until further orders.

7. CrI.MP.No.8026 of 2024 is ordered accordingly. However, this Court is not inclined to exempt the petitioner from surrendering before the Court below. Hence, CrI.MP.No.8027 of 2024 is dismissed.

11.06.2024
(1/2)

ssb

Note: Issue order copy on 12.06.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

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To
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1. The learned XVIII Metropolitan Magistrate, Saidapet, Chennai.
2. The learned XVI Additional District and Session Judge, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

ssb

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