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Crl.M.P.No.9422 of 2024
in
Crl.R.C.No.1114 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.9422 of 2024
in
Crl.R.C.No.1114 of 2024

Mani

... Petitioner

Vs.

State rep.by
The Inspector of Police,
CCB Police Station,
Tiruppur.
Crime No.14 of 2009

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 397(i) of Criminal Procedure Code, to suspend the sentence of imprisonment imposed on the petitioner in C.A.No.09 of 2017 dated 01.04.2024 on the file of the learned Principal Sessions Judge, Tiruppur, confirming the conviction and sentence passed by the learned Judicial Magistrate No.II, Tiruppur in C.C.No.322 of 2009 dated 11.01.2017 and enlarge the petitioner on bail, pending disposal of the criminal revision case.



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For Petitioner : Mr.J.Franklin
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 01.04.2024 passed in C.A.No.09 of 2017 by the learned Principal Sessions Judge, Tiruppur, confirming the judgment dated 11.01.2017 passed in C.C.No.322 of 2009 by the learned Judicial Magistrate No.II, Tiruppur, pending disposal of the criminal revision case and enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Sections 406 and 420 IPC and in respect of Section 406 IPC, he was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1000/- and in respect of Section 420 IPC, he was sentenced to undergo rigorous imprisonment for a period of one year and pay a fine of Rs.1000/-,



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in default, to undergo simple imprisonment for a period of one month.

Aggrieved by the same, the revision petition has been filed along with the present petition to suspend the sentence.

3. The learned counsel for the revision 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 petition for suspension of sentence is filed and the petitioner is not in jail.

4. 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 petitioner is entitled for the relief of suspension of sentence.



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5. Accordingly, the substantive sentence of imprisonment alone as against the petitioner is hereby suspended on the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Tiruppur, along with two sureties for a like sum;

(c) the petitioner shall report before the Court below on the first working day of every month at 10.30 AM, until further orders.

6. The Criminal Miscellaneous Petition is ordered accordingly.

01.07.2024
(2/2)

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



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Note: Issue order copy by 02.07.2024



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To

1. The learned Judicial Magistrate No.II, Tiruppur.
2. The learned Principal Sessions Judge, Tiruppur,
3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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**01.07.2024
(2/2)**