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Crl.M.P.No.10170 of 2024
in
Crl.R.C.No.1196 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P.No.10170 of 2024
in
Crl.R.C.No.1196 of 2024**

Karthikeyan

... Petitioner

Vs.

State rep.by,
The Sub-Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai-600 004.
Crime No.21/2014

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code, to suspend the sentence of the conviction order dated 16.12.2017 passed by the learned trial Judge, XVIII Metropolitan Magistrate in C.C.No.6349 of 2014 and thereby, confirmed by the learned VII Additional District and Sessions Judge, Chennai, by C.A.No.15 of 2018, till the disposal of the above appeal.



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For Petitioner : Ms.M.Sophla
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 21.09.2023 passed in C.A.No.15 of 2018 by the learned VII Additional District and Sessions Judge, Chennai, confirming the judgment dated 16.12.2017 passed in C.C.No.6349 of 2014 by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, pending disposal of the criminal revision case and enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Section 354(b) IPC and Section 4 of Tamil Nadu Prohibition Harassment of Women Act and was sentenced to undergo rigorous imprisonment for a period of three years and pay a fine of Rs.3,000/-, in default, to undergo simple imprisonment for a period of three months under Section 354(b) IPC



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and was sentenced to undergo rigorous imprisonment for a period of three years and pay a fine of Rs.3,000/-, in default, to undergo simple imprisonment for a period of three months under Section 4 of Tamil Nadu Prohibition Harassment of Women Act. 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.

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 XVIII Metropolitan Magistrate, Saidapet, Chennai, 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.

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NCC : Yes / No
Index : Yes / No



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Speaking Order : Yes / No
ssb

Note: Issue order copy by 19.07.2024

To

1. The learned XVIII Metropolitan Magistrate, Saidapet, Chennai,.
2. The learned VII Additional District and Sessions Judge, Chennai,
3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

ssb

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