



Crl.M.P.Nos.10932 & 10933 of 2024
in
Crl.R.C.No.1135 of 2024

M.DHANDAPANI, J.

Crl.M.P.No.10932 of 2024 has been filed seeking to suspend the sentence imposed on the petitioner in Crl.A.No.14 of 2021 by the learned Principal District and Session Judge, Perambalur order dated 20.03.2024 modifying the order dated 22.09.2021 passed in C.C.No.122 of 2002 by the learned Judicial Magistrate I, Perambalur and enlarge him on bail pending disposal of the above Criminal Revision Petition.

2. Crl.M.P.No.10933 of 2024 has been filed seeking to grant an order of exemption of surrender of the petitioner by an order dated 20.03.2024 passed in Crl.A.No.14 of 2021 by the learned Principal District and Session Judge, Perambalur modifying the order dated 22.09.2021 passed in C.C.No.122 of 2002 by the learned Judicial Magistrate I, Perambalur, pending disposal of the above Criminal Revision Petition.

3. The revision petitioner was convicted for the offences u/s 406 and 420 r/w 34 of IPC and was sentenced to undergo simple imprisonment for the period of each 1 year and ordered to pay a fine of each Rs.10,000/- payable to the State, failing which, he was sentenced to undergo simple imprisonment for a



further period of 2 months each and all the sentences imposed are ordered to run consecutively by the judgment dated 22.09.2021 in C.C.No.122 of 2002, which was modified by the appellate court vide judgment dated 20.03.2024 passed in CrI.A.No.14 of 2021 to the effect that the conviction and sentence imposed on the petitioner by the trial court for the offence u/s 420 of IPC was confirmed and acquitted the petitioner for the offence u/s 406 of IPC. Aggrieved by the same, the present revision has been filed along with the petitions seeking suspension of sentence and exemption from surrendering.

4. Learned counsel for the revision petitioner submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He further submitted that apprehending arrest the present petitions for suspension of sentence and exemption from surrendering are filed and the petitioner is not in jail.

5. On the above said contentions, heard Mr.A.Gopinath, learned Government Advocate (CrI.Side) for the respondent police.

6. 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.

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7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to appear before the trial Court and execute a 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 learned Principal District and Session Judge, Perambalur and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision. Further, the petitioner is directed to pay the entire fine amount as ordered by the appellate court, if not, already paid, within a period of two weeks from the date of receipt of a copy of this order.

8. Further, it is made clear that, if the petitioner fails to comply with any of the above conditions or indulges in similar offence in the future, the suspension of substantive sentence alone granted today will automatically stand dismissed, without any further reference to this Court and the court below is directed to take steps to secure the petitioner to serve the sentence imposed against him.

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9. Accordingly, the Criminal Miscellaneous Petition in Crl.M.P.No.10932 of 2024 is ordered.

10. In view of the fact that this court has granted suspension of sentence in favour of the petitioner, the Criminal Miscellaneous Petition seeking exemption from surrendering in Crl.M.P.No.10933 of 2024 is dismissed.

02.08.2024

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To

- 1.The Principal District and Sessions Judge, Perambalur.
- 2.The Judicial Magistrate Court No.I, Perambalur.
- 3.The Public Prosecutor, Madras High Court, Chennai.

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