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Crl.O.P.No.20153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.20153 of 2024

Muthupandi

... Petitioner

Vs.

State Rep By
The Inspector of Police,
B-1 Bazar Police Station,
Coimbatore.
Crime No.1298 Of 2017

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, pleaded to set aside the order passed against the petitioner on 19.06.2024 made in Crl.M.P.No.2 of 2024 in Crl.A.No.197 of 2024 on the file of the Principal District and Sessions Judge, Coimbatore

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

The petitioner who is the habitual offender been convicted for offence under Section 392 IPC by the trial Court. He was sentenced to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default 2 years S.I.



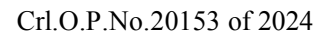
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2. The petitioner has preferred appeal before the Sessions Court and also sought for suspension of sentence. The lower appellate Court taking note of the fact that 18 previous cases pending against this petitioner which are similar in nature and if the sentence is suspended, there is every possibility of indulging in the same offence and hence dismissed the suspension of sentence. The above dismissal order is under challenge before this Court.

3. The learned counsel appearing for the petitioner submits that the petitioner is in prison for nearly one year and the petitioner will give an undertaking that he will not indulge in any offence during the period of suspension of sentence.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police per contra states that the petitioner is the habitual robber pending trial of this case in S.C.No.91 of 2019, the petitioner indulged in similar offence. Therefore, suspension of sentence should not be granted.

5. This Court on perusing the record and past conduct of the



21.08.2024

To

- 1.The Principal District and Sessions Judge, Coimbatore
- 2.The Inspector of Police,
B-1 Bazar Police Station,
Coimbatore.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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