



Crl.M.P.No.14860 of 2023 in Crl.R.C.No.1601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.14860 of 2023
in Crl.R.C.No.1601 of 2023

P.Vetriselvan,
S/o.Paranjothi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Code of Criminal Procedure, to suspend the imprisonment passed against the petitioner in C.A.No.98/2019 on the file of the 2nd Additional District and Sessions Court, Chidambaram dated 24.1.2022 and thereby confirming the judgment passed in S.C.No.75/2013 on the file of the Assistant Sessions Judge, Chidambaram dated 17.09.2019 and enlarge the petitioner on bail, pending disposal of the above criminal revision.

For Petitioner : Mr.K.A.Mariappan



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For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in the judgment, dated 24.01.2022 in Crl.A.No.98 of 2019 passed by the learned II Additional District Sessions Judge, Chidambaram confirming the judgment, dated 17.09.2019 in S.C.No.75 of 2013 passed by the learned Assistant Sessions Judge, Chidambaram.

2.The case of the prosecution is that when the respondent Police attempted to arrest the petitioner in connection with Crime No.777 of 2012, the petitioner attacked the Police team with bottles and attacked PW3 with Aruval; and that later he was arrested.

3.The petitioner was convicted for offence under Sections 324, 307(1 count) and 332 of IPC and in respect of conviction under Section 324 of IPC, the petitioner was sentenced to undergo three years Rigorous



imprisonment and was ordered to pay a fine of Rs.500/- and in default of payment of fine to undergo simple imprisonment for six months and in respect of the conviction under Section 307(1 count) of IPC, the petitioner was sentenced to undergo five years of rigorous imprisonment and was ordered to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo simple imprisonment for one year and in respect of the conviction under Section 332 of IPC, the petitioner was sentenced to undergo three years of rigorous imprisonment and was ordered to pay a fine of Rs.500/- and in default of payment of fine, to undergo simple imprisonment for six months *vide* judgment, dated 17.09.2019 made in S.C.No.75 of 2013. Challenging the same, the petitioner has filed an appeal before the learned II Additional District Sessions Judge, Chidambaram in Crl.A.No.98 of 2019 and the appeal was dismissed on 24.01.2022 confirming the judgment of the Trial Court.

4.Heard Mr.K.A.Mariappan, learned counsel for the petitioner and



Dr.C.E.Pratap, learned Government Advocate (Crl. Side) appearing for the respondent/State.

5.The learned counsel appearing for the petitioner would submit that the petitioner was convicted for offence under Section 307 IPC and sentenced to undergo five years Rigorous Imprisonment; that he is custody for a period of two years and eight months; that the petitioner has served more than half of the sentence; and that therefore, the sentence of imprisonment may be suspended.

6.The learned Government Advocate (Crl. Side) *per contra* submitted that the petitioner is an history sheeter; and that there are 26 cases against the petitioner.

7.On perusal of the list of cases furnished by the learned Government Advocate (Crl. Side), it is seen that out of 26 cases, 22 cases have been either referred as Mistake of Fact or have been disposed of and amongst four cases, the offences registered are under the Criminal Law Amendment Act,



1932 and under Section 506(i) of IPC; and that the petitioner is on bail in all other cases. The petitioner has served more than half of the sentence imposed by the Trial Court, and that therefore without going into the merits of the case, this Court is inclined to grant relief of suspension of sentence.

8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner, is suspended and he is ordered to be released on bail on the following conditions:

(i) The petitioner shall 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 Assistant Sessions Judge, Chidambaram.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until further orders and if he is not able to appear before the trial Court on any day, he shall make



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arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

11.11.2024

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To

- 1.The II Additional District Sessions Judge,
Chidambaram.
- 2.The Assistant Sessions Judge,
Chidambaram.
- 3.The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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