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*Crl.M.P.Nos.12870 and 12872 of 2024
in Crl.R.C.No.1544 of 2024*

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SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the revision petitioner/accused in CC.No.46 of 2017 dated 02.11.2023 on the file of the Judicial Magistrate No.II, Thirupattur and confirmed in Crl.A.No.173 of 2023 dated 31.07.2024 by the learned District and Sessions Judge, Thirupattur and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2. The case of the prosecution is that on account of prior enmity, the petitioner had attacked P.W.1, who was closely related to the petitioner, abused him with filthy language and caused hurt in his mouth and other parts of the body.



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3. The learned counsel for the petitioner would submit that there is no evidence to show that the victim sustained grievous injuries; and that the conviction and the sentence imposed by the Courts below are liable to be set aside.

4. The learned Government Advocate (Crl.Side) *per contra* submitted that the Judgments of the Courts below are in accordance with the law, and there is no interference with the same.

5. Heard both sides and perused the records.

6. The petitioner is sentenced to imprisonment of three months for the offence under Section 325 of the IPC and he has been acquitted of all other offences namely Sections 294 (b) and 506 (i) of the IPC charged against him.

7. Considering the submissions made by the learned counsel for the petitioner that the question as to whether the victim sustained grievous injuries has to be examined in the revision and considering the sentence of imprisonment, this Court is inclined to grant the relief of suspension of the sentence imposed on the petitioner and exempt the petitioner from



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surrendering before the trial court, on the following conditions till the disposal of the above Criminal Revision:

(a) The petitioner is ordered to be enlarged on bail, on condition that he 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 trial Court

(b) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make 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.

(c) In the event of failure on satisfying the above conditions, this order would stand automatically cancelled.



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8. Accordingly, these Criminal Miscellaneous Petitions are ordered.

12.11.2024
(2/2)

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To

- 1.The Judicial Magistrate No.II,
Thirupattur
2. The District and Sessions Judge,
Thirupattur.
- 3.The Public Prosecutor,
High Court, Madras.



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