



Crl.M.P.Nos.18345, 18346, 16912 and 16913 of 2023
in
Crl.R.C.Nos.1784 and 1965 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.Nos.18345, 18346, 16912 and 16913 of 2023
in
Crl.R.C.Nos.1784 and 1965 of 2023

M.Selvakumar ... Petitioner in
Crl.M.P.Nos.18345 & 18346 of 2023

R.Mani ... Petitioner in
Crl.M.P.Nos.16912 and 16913 of 2023

Vs.

The State,
Represented by the Inspector of Police,
W-9, All Women Police Station
Villivakkam, Chennai-49.

... Respondent in
Crl.M.P.Nos.18345 & 18346 of 2023
and 1st respondent in
Crl.M.P.Nos.16912 and 16913 of 2023

Geetha ... Respondent No.2 in
in Crl.M.P.Nos.16912 and 16913 of 2023

COMMON PRAYER in Crl.M.P.Nos.18345 and 16912 of 2023 :



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Criminal Miscellaneous Petitions filed under Sections 397(1) and 439 of Criminal Procedure Code, to suspend the sentence imposed on the petitioners in Crl.A.No.356 of 2022 on the file of the learned XXII Additional Sessions Judge, City Civil Court, Allikulam, vide judgment dated 01.09.2023, confirming the judgment in C.C.No.5029 of 2014 dated 16.11.2022 on the file of the learned XIII Metropolitan Magistrate, Egmore, Chennai and enlarge the petitioners on bail.

CPMMON PRAYER in Crl.M.P.Nos.18346 and 16913 of 2023 :
Criminal Miscellaneous Petitions filed under Section 482 of Criminal Procedure Code, to exempt the petitioners from surrendering in Crl.A.No.356 of 2022 dated 01.09.2023 by confirming the judgment of conviction passed in C.C.No.5029 of 2014 dated 16.11.2022 passed by the learned XIII Metropolitan Magistrate, Egmore.

For Petitioners in all petitions	:	Mr.P.Anbarasan
For Respondent in Crl.M.P.Nos.18345 and 18346 of 2023 and for R1 in Crl.M.P.Nos.16912 and 16913 of 2023	:	Mr.A.Gopinath Govt. Advocate (Crl.Side)

COMMON ORDER



Crl.M.P.Nos.18345, 18346, 16912 and 16913 of 2023
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Crl.M.P.Nos.18345 and 16912 of 2023 have been filed to suspend the sentence imposed on the petitioners in Crl.A.No.356 of 2022 on the file of the learned XXII Additional Sessions Judge, City Civil Court, Allikulam, vide judgment dated 01.09.2023, confirming the order passed in C.C.No.5029 of 2014 by the learned XIII Metropolitan Magistrate, Egmore, Chennai, dated 16.11.2022, pending disposal of the above criminal revision petitions and enlarge the petitioners on bail.

2. Crl.M.P.Nos.18346 and 16913 of 2023 have been filed to exempt the petitioners from surrendering in Crl.A.No.356 of 2022 on the file of the learned XXII Additional Sessions Judge, City Civil Court, Allikulam, dated 01.09.2023, confirming the order passed in C.C.No.5029 of 2014 by the learned XIII Metropolitan Magistrate, Egmore, Chennai, dated 16.11.2022, pending disposal of the above criminal revision petitions and enlarge the petitioners on bail.

3. The A1 /Selvakumar was convicted for offence under Section



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498(A), 406 and 506(ii) IPC and sentenced to undergo rigorous imprisonment for a period of two years and pay a fine of Rs.5,000/- for the offence under Section 498(A) IPC, in default, to undergo imprisonment for a term of one month further and sentenced to undergo rigorous imprisonment for a period of two years and pay a fine of Rs.5,000/-, in default, to undergo imprisonment for a further term of one month under Section 406 IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo further imprisonment for a period of two weeks under Section 506(ii) IPC, vide judgment dated 16.11.2022 in C.C.No.5029 of 2014, against which, appeal was filed in Crl.A.No.356 of 2022 before the learned XXII Additional Sessions Judge, Allikulam, and the same was dismissed. Aggrieved by the same, the revision petition in Crl.R.C.No.1965 of 2023 has been filed along with the petitions in Crl.M.P.Nos.18345 & 18346 of 2023 to suspend the sentence and exempt him from surrendering before the Appellate Court.

4. The A2 /Mani was convicted for the offence under Section



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petitioners are not in jail.

6. Having regard to the fact that there are arguable points involved in the revisions and further, the revisions are not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone as against the petitioners are hereby suspended on the following conditions:

(a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned XIII Metropolitan Magistrate, Egmore, Chennai, along with two sureties for a like sum;

(b) the Petitioners shall report before the Court below on the first working day of every month at 10.30 AM, until further orders.



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8. Crl.M.P.Nos.18345 and 16912 of 2023 are ordered accordingly.

However, this Court is not inclined to exempt the petitioners from surrendering before the Court below. Hence, Crl.M.P.Nos.18346 and 16913 of 2023 are dismissed.

16.07.2024
(2/2)

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

Note: Issue order copy by 22.07.2024

To

1. The learned XIII Metropolitan Magistrate, Egmore, Chennai
2. The learned XXII Additional Sessions Judge, City Civil Court, Allikulam,
3. The Inspector of Police,



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W-9, All Women Police Station
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4. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

ssb

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