



CrI.M.P.No.13108 of 2024 in CrI.R.C.No.1574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.M.P.No.13108 of 2024
in CrI.R.C.No.1574 of 2024

Elango

... Petitioner/Petitioner

Vs.

State represented by its,
The Inspector of Police,
Mettur Police Station,
Mettur Taluk,
Salem District.

... Respondent/Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in Judgment made by the learned Additional District Judge (Fast Track Court) Mettur in C.A.No.102 of 2022 dated 20.06.2024 confirming the Judgment passed dated 19.10.2022 by the learned Judicial Magistrate No.I, Mettur, Salem District in C.C.No. 210 of 2019.

For Petitioner : Mr.M.Senthilkumar

For Respondent : Mr.S.Udaya Kumar
Govt Advocate (CrI.Side)



ORDER

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This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed in Judgment dated 20.06.2024 made in C.A.No.102 of 2022 on the file of the learned Additional District Judge, (Fast Track Court) Meetur, confirming the Judgement dated 19.10.2022 made in C.C.No.210 of 2019, on the file of the Learned Judicial Magistrate No. 1, Mettur, Salem District and enlarge the petitioner on bail, pending disposal of the above revision.

2. The case of the prosecution is that the petitioner was facing trial for the offences under Sections 294 (b), 307 and 302 of the IPC, and during the course of the investigation, he was released on bail and thereafter he had violated the conditions of bail and an FIR was registered against him for the offence under Section 229(A) of the IPC for violation of the bail conditions.

3. The trial Court convicted the petitioner/accused for an offence under Section 229 (A) of the IPC and sentenced him to undergo one year of simple imprisonment. The Appellate Court confirmed the said conviction and sentence. Hence, the present revision has been filed and



the instant criminal miscellaneous petition has been filed for seeking suspension of sentence.

4. Heard Mr.M.Senthil Kumar, learned counsel for the petitioner, and Mr.S.Udaya Kumar, learned Government Advocate (Crl.Side) appearing for the respondent.

5. Learned counsel for the petitioner submitted that the petitioner has been in custody since 07.07.2024 and that the petitioner has raised several grounds in the revision warranting interference by this Court; and hence he prayed for the grant of suspension of sentence.

6. Heard the learned Government Advocate (Criminal Side) and perused the materials available on record.

7. Admittedly pursuant to the Judgment of the Appellate Court, the petitioner was arrested on 07.07.2024, and he has been in custody since then.

8. Considering the above fact and that there are several arguable



points in the above revision, which require consideration, and also the fact that the revision is not likely to be taken up in the near future, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court, subject to 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.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.



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Issue order copy by 13.12.2024
Upload the order copy forthwith.

To

1. The Judicial Magistrate No.I, Mettur,
Salem District.
2. The Additional District Judge
(Fast Track Court)
Mettur.
3. The Inspector of Police,
Mettur Police Station,
Mettur Taluk,
Salem District.



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SUNDER MOHAN, J.

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