



Crl.M.P.No.15010 of 2024
in
Crl.R.C.No.1821 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.15010 of 2024
in Crl.R.C.No.1821 of 2024

B.Sankar Guru

...Petitioner/Appellant/Accused

Vs.

State Rep. by
The Inspector of Police,
Vaniyambadi Police Station,
Tirupathur District,
Crime No.165/2019

...Respondent/Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S to suspend the sentence imposed on the revision petitioner/accused in C.C.No.221 of 2020 dated 19.07.2023 on the file of the learned Judicial Magistrate, Vaniyambadi, Tirupathur District and modified in C.A.No.121 of 2023 dated 22.08.2024 by the learned District and Sessions Judge, Tirupathur and enlarge the petitioner on bail.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Ms.V.J.Priyadarsana
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the revision petitioner/accused in C.C.No.221 of 2020 dated 19.07.2023 on the file of the learned Judicial Magistrate Vaniyambadi, Thirupathur District and modified in C.A.No.121 of 2023 dated 22.08.2024 by the learned District and Sessions Judge, Tirupathur and enlarge the petitioner on bail, pending disposal of the above revision.

2. The case of the prosecution is that on 31.03.2019, at about 5.00 p.m., the petitioner had abused the witnesses in filthy language on account of prior enmity and attacked P.W.2 and P.W.3 with a wooden log; and that on the complaint given by the witnesses, a case under Sections 294(b), 324 and 506 (ii) of the IPC was registered against the petitioner.

3. Mr.G.Vinodh Kumar, the learned counsel for the petitioner/appellant/accused would submit that though the trial Court had convicted the petitioner and sentenced him to undergo 3 years of Simple Imprisonment for the offence under Section 326 of IPC, the Lower Appellate



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Court had modified the same and imposed a sentence of Six months; and that the petitioner had surrendered pursuant to the Appellate Court Judgment on 19.11.2024 and hence prayed for granting suspension of sentence to the petitioner.

4. Heard Mr.V.J.Priyadarsana, the learned Government Advocate (Crl.Side) for the respondent, who had opposed the grant of suspension of sentence to the petitioner.

5. Considering the nature of the evidence; that there are several arguable points in the above revision, which requires consideration; and that the petitioner had surrendered pursuant to the Judgment of the Appellate Court on 19.11.2024, this Court is inclined to grant the relief of suspension of the sentence imposed on the petitioner 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



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satisfaction of the learned Judicial Magistrate Vaniyambadi, Tirupathur;

(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) 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; and

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

6. Accordingly, this Criminal Miscellaneous Petition is ordered.



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Note: Issue order copy on 25.11.2024

To

- 1.The Judicial Magistrate Vaniyambadi,
Tirupathur District.
- 2.The District and Sessions Judge,
Tirupathur.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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