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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2024

CORAM

THE HONOURABLE Mrs.JUSTICE K.GOVINDARAJAN THILAKAVADI

Crl.M.P.No. 14082 of 2024
in
Crl.R.C.No. 1711 of 2024

Punithavathi ... Petitioner

Vs.

State represented by
The Inspector of Police,
District Crime Branch,
Thiruvannamalai, Thiruvannamalai District.
(Crime No.9/2017) ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, 2023, to suspend the sentence passed by the learned Principal District and Sessions Judge, Thiruvannamalai, Thiruvannamalai District in Crl.A.No.37 of 2019 dated 25.09.2024 and confirming the judgment and sentence passed by the learned Judicial Magistrate, No.I, Thiruvannamalai, Thiruvannamalai District in C.C.No.350 of 2017 dated 11.10.2019 and enlarge the petitioner on bail.

For Petitioner : Mr.A.Ajay

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence, to suspend the sentence passed by the learned Principal District and Sessions Judge, Thiruvannamalai, Thiruvannamalai District in Crl.A.No.37 of 2019 dated 25.09.2024 and confirming the judgment and sentence passed by the learned Judicial Magistrate, No.I, Thiruvannamalai, Thiruvannamalai District in C.C.No.350 of 2017 dated 11.10.2019

2. The Trial Court convicted the petitioner for the offence under Sections 465 of IPC and sentenced to under go simple imprisonment for 2 years and to pay a find of Rs.500/- and convicted for the offence under Section 468 of IPC and sentenced to undergo simple imprisonment for 2 years and to pay a fine of Rs.500/- and convicted for the offence under Section 471 of IPC and sentenced to undergo simple imprisonment for 2 years and to pay a fine of Rs.500/- and convicted for the offence under section 420 of IPC and sentenced to undergo simple imprisonment for 2 years and to pay a fine of Rs.500/- indefault to undergo simprisonment for 3 months and the sentences are ordered run concurrently.

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3. According to the learned counsel for the petitioner/appellant, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail. He further submitted that the fine amount has been paid by the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner/appellant guilty, convicted her as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

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6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the main case, suspension of sentence is granted, on the following conditions :-

i. The petitioner/appellant shall execute bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thiruvannamalai;

ii. The petitioner/appellant shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

09.10.2024

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To

1.The Principal District and Sessions Judge,
Thiruvannamalai.

2.The Judicial Magistrate No.1,
Thiruvannamalai.

3.The Inspector of Police,
District Crime Branch,
Thiruvannamalai, Thiruvannamalai District.

4.The Public Prosecutor,
High Court, Madras.

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K.GOVINDARAJAN THILAKAVADI, J.

KKN

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