



Crl.MP.No.18006 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.MP.No.18006 of 2023

in

Crl.A.No.1281 of 2022

S.Gogulan @ Gogul

...Petitioner

Vs.

The State rep. by,
The Inspector of Police,
Papparapatti Police Station,
Dharmapuri.
(Crime No.160 of 2013)
...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code to suspend the sentence of imprisonment imposed in the judgment dated 03.10.2022 made in SC.No.70 of 2016 on the file of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.E.Kannadasan
for Mr.R.Thamaraiselvan

For Respondent : Mrs.G.V.Kasthuri,
Addl. Public Prosecutor



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ORDER

WEB COPY This Criminal Miscellaneous petition has been filed under Section 389(1) of Cr.P.C to suspend the sentence of imprisonment imposed on the petitioner in SC.No.70 of 2016 on the file of the Sessions Judge, Fast Track Mahila Court, Dharmapuri, vide judgment dated 03.10.2022.

2. The petitioner/appellant was convicted for the offence under Section 448 and 392 r/w 397 of IPC and in respect of the conviction under Section 448 of IPC, the petitioner was sentenced to undergo one year of simple imprisonment and was ordered to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo simple imprisonment for a further period of one month and in respect of the conviction under Section 392 r/w 397 of IPC, the petitioner was sentenced to undergo seven years of rigorous imprisonment and was ordered to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo simple imprisonment for a further period of six months, vide order dated 03.10.2022 made in SC.No.70 of 2016. Aggrieved by the same, the above appeal has been filed along with this petition seeking suspension of sentence.



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3. Learned counsel for the petitioner submitted that, the petitioner is an innocent college student and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and that the petitioner is now confined in Central Prison, Salem.

4. On the above said contentions, heard learned Additional Public Prosecutor appearing on behalf of the respondent.

5. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioner/appellant is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees

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Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pennagaram and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

7. This criminal miscellaneous petition is ordered accordingly.

02.07.2024

skt

To:

1. The Sessions Judge, Fast Track Mahila Court,
Dharmapuri.
2. The Public Prosecutor,
Madras High Court.
3. The Inspector of Police,
Papparapatti Police Station,
Dharmapuri.
4. The Central Prison,
Salem.
5. The Judicial Magistrate, Pennagaram.

M.DHANDAPANI, J.

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