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*Crl.M.P.No.16715 of 2024
in Crl.R.C.No.2082 of 2024*

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SUNDER MOHAN, J.

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in the Judgment dated 28.08.2024 made in Crl.A.No.313 of 2023 on the file of the I Additional District & Sessions Judge at Coimbatore, confirming the conviction and sentence dated 20.09.2023 imposed in C.C.No.113 of 2015 on the file of the Learned Judicial Magistrate No.II, Pollachi and enlarge the petitioner on bail, pending disposal of the above revision.

2. It is the case of the prosecution that the petitioner was working as a constable in Gomangalam Police Station; that he had committed theft of two gold chains which were seized in Crime No.236 of 2009 and kept in the locker; and that on the complaint, the said gold chains were recovered from the petitioner.

3. The learned counsel for the petitioner would submit that there is no record to show that the gold chains were seized in Crime No.236 of 2009 and kept in the locker; that the courts below had convicted the petitioner only on



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the basis of the CCTV footage which does not suggest that the petitioner had committed theft; and that there are many discrepancies in the deposition of prosecution witnesses; and that the petitioner had surrendered before the trial court on 03.12.2024 and prayed for suspension of sentence.

4. The learned Government Advocate (Crl.Side) for the respondent, *per contra*, submitted that judgment of the courts below are in accordance with law and in any event, there is no reason to interfere with the same in the above revision and prayed for dismissal of the petition for suspension of sentence.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the respondent and perused the materials on record.

6. This Court finds that the petitioner has raised substantial grounds in the above revision, which requires consideration. Further, the petitioner has surrendered before the trial Court on 03.12.2024 and is now confined in Central Prison, Coimbatore. Hence, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court, subject to the following



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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.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

04.12.2024
(2/2)

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Issue order copy by 06.12.2024
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SUNDER MOHAN, J.

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To

1.The I Additional District & Sessions Judge,
Coimbatore,

2.The Judicial Magistrate No.II,
Pollachi.

3.The Superintendent
Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

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04.12.2024
(2/2)