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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.17506 of 2023

in

Crl.A.No.1241 of 2023

Boopathiraja
S/o.Perumal

... Petitioner

-Vs-

The Inspector of Police,
Vaazhapadi Police Station.
Crime No.58 of 2017

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) r/w 439 of the Criminal Procedure Code, 1973, to suspend the sentence imposed by the learned Sessions Judge, Magalir Neethi Mandram (Mahila Court), Salem vide judgment dated 05.10.2023 in S.C.No.26 of 2018 and enlarge the petitioner on bail pending disposal of the above appeal.

For petitioner : Mr.N.Umapathi

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The criminal appeal has been filed as against the judgment and sentence passed by the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Salem, in S.C.No.26 of 2018 dated 05.10.2023 in and by which, the petitioner was convicted for the offence punishable under Section 235(2) of Cr.P.C and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of three months. Challenging the same, the appellant has filed the above criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned counsel for the petitioner has raised several arguable grounds insofar the appeal is concerned and it will take some more time for this Court to take up the criminal appeal and to dispose of the same.

3. Considering the facts and circumstances of the case, the Criminal Miscellaneous Petition is ordered and the punishment of imprisonment imposed as against the petitioner is hereby suspended and



he is directed to be released on bail on the following conditions:

a) the petitioner shall execute a bond for a sum of Rs.10,000/- to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Salem along with two sureties for a like sum;

b) the petitioner shall report before the Court below on the first working day of every month at 10.00 a.m, pending disposal of the appeal.

4. Post the main appeal in the usual course and as per the seniority.

20.06.2024

vji

Note: Issue order copy on 20.06.2024



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To

1. The Central Prison,
Coimbatore.
2. The learned Judicial Magistrate,
Additional Mahila Court,
Salem.
3. The learned Sessions Judge,
Magalir Neethi Mandram (Mahila Court),
Salem.
4. The Inspector of Police,
Vaazhapadi Police Station.
5. The Public Prosecutor,
High Court of Madras,
Madras.



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M.DHANDAPANI, J.

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