



Crl.M.P.No.16487 of 2024 in Crl.R.C.No.2037 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.16487 of 2024
in Crl.R.C.No.2037 of 2024

M.R.Srinivasan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Commercial Crime Investigation Wing,
Perambalur.
Crime No.02/2003.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) r/w 442 of BNSS, to suspend the sentence of imprisonment imposed on the petitioner and enlarge the petitioner on bail in C.A.No.16 of 2023 dated 31.07.2024 on the file of learned Principal District and Sessions Judge, Ariyalur while confirming the conviction and sentence in C.C.No.497 of 2004 on the file of the Judicial Magistrate No.I, Ariyalur by its order dated 10.03.2023 pending above Criminal Revision Petition No.2037 of 2024 on the file of this Court.



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For Petitioner : Mr.G.Ravikumar
For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in the judgment, dated 31.07.2024 in Crl.A.No.16 of 2023 passed by the learned Principal District and Sessions Judge, Ariyalur confirming the judgment, dated 10.03.2023 in C.C.No.497 of 2004 passed by the learned Judicial Magistrate No.I, Ariyalur.

2.The case of the prosecution is that the petitioner, who was working as Manager in Manjamedu Cotton and Silk Cooperative Society, was entrusted with the stock and cash of the society; and that in conspiracy with the other accused, the petitioner had misappropriated the stock namely silk sarees by creating false documents.

3.The petitioner was convicted for offences under Sections 408 and 447-A of IPC and in so far as the offence under Section 408 of IPC, the petitioner was sentenced to under two years Simple Imprisonment and to



pay a fine of Rs.5,000/- in default to undergo three months Simple Imprisonment and in so far as the offence under Section 447-A of IPC, the petitioner was sentenced to undergo two years Simple Imprisonment.

4.The learned counsel appearing for the petitioner would submit the petitioner is not the only person who is in-charge of the stock and cash; that the other accused/A2, who was a Special Officer, was discharged from the case; that the offence as alleged have not been established by the prosecution; and the Courts below had not considered the defence of the petitioner. He would further submit that the petitioner has surrendered before the Trial Court on 02.12.2024; and prayed for suspension of sentence.

5.Heard Mr.S.Udaya Kumar, learned Government Advocate (Crl. Side) appearing for the respondent Police.

6.Considering the fact that there are substantial grounds in the



revision which requires consideration and the fact that the petitioner has surrendered before the Court below, this Court is inclined to grant the relief of suspension of sentence.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner, is suspended till the disposal of the criminal revision case and he is ordered to be released on bail on the following conditions:

(i) The petitioner 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 learned Judicial Magistrate No.I, Ariyalur;

(ii) 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

(iii) The petitioner shall appear before the Trial Court on the first



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working day of every month at 10.30 a.m until further orders and if he is not able to appear before the trial Court on any 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.

04.12.2024
(2/3)

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To

- 1.The Principal District and Sessions Judge,
Ariyalur.
- 2.The Judicial Magistrate No.I,
Ariyalur.
- 3.The Central Prison,
Trichirapalli.
- 4.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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