



WEB COPY



Crl.M.P.Nos.15567 & 15571 of 2024 in Crl.R.C.No.1900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.15567 & 15571 of 2024

in

Crl.R.C.No.1900 of 2024

Ayyanar

... Petitioner

Vs.

The State represented by
The Sub Inspector of Police,
Tirukoilur Police Station,
Kallakurichi District,
Crime No.184 of 2017.

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 528 of BNSS, to suspend the sentence imposed in Crl.A.No.11 of 2024 dated 19.09.2024 on the file of the learned Principal District and Sessions Judge, Kallakurichi modifying the judgment dated 15.12.2023 in C.C.No.197 of 2019 passed by the learned Judicial Magistrate, Tirukoilur and enlarge the petitioner on bail pending disposal of the above Crl.R.C. and to exempt the petitioner from surrendering to undergo the sentence imposed in Crl.A.No.11 of 2024 dated 19.09.2024 on the file of the learned Principal District and Sessions Judge, Kallakurichi modifying the judgment dated 15.12.2023 in C.C.No.197 of 2019 passed by the learned Judicial Magistrate, Tirukoilur.

For Petitioner : Mr.H.Rajesh



WEB COPY



Crl.M.P.Nos.15567 & 15571 of 2024 in Crl.R.C.No.1900 of 2024

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to to suspend the sentence imposed in Crl.A.No.11 of 2024, dated 19.09.2024, on the file of the learned Principal District and Sessions Judge, Kallakurichi, modifying the judgment dated 15.12.2023, in C.C.No.197 of 2019, passed by the learned Judicial Magistrate, Tirukoilur and enlarge the petitioner on bail pending disposal of the above Crl.R.C. and to exempt the petitioner from surrendering before the trial court pending disposal of the above revision.

2.It is the case of the prosecution that on 10.04.2017, the accused went to the house of the defacto complainant and demanded payment of interest on the loan and since the defacto complainant did not pay the interest, abused the defacto complainant in filthy language and assaulted with knife and wooden log causing injuries to the defacto complainant.

3.The learned counsel for the petitioner would submit that the trial court had convicted the petitioner for the offences under Section 324 IPC and sentenced to undergo two years rigorous imprisonment and to pay a



Crl.M.P.Nos.15567 & 15571 of 2024 in Crl.R.C.No.1900 of 2024

fine of Rs.5,000/- in default, to undergo one month simple imprisonment for the offence under Section 324 IPC. On appeal, the Appellate Court found that the appellant is guilty of the offence under Section 323 IPC and modified the sentence to six months and to pay a fine of Rs.1000/- to the injured as compensation.

4.The learned Government Advocate (Crl.Side) per contra submitted that the judgment of the lower Court is in accordance with evidence and records and points out that the evidence of the Doctor PW5, who had spoken about the injuries on the victim and prayed for dismissal of these petitions.

5.On a perusal of the judgment of the Courts below and considering the fact that the co-accused have been acquitted and the petitioner has raised substantial grounds, which has to be examined in the revision, this Court is inclined to suspend the sentence and exempt the petitioner from surrendering.

6. Accordingly, these Criminal Miscellaneous Petitions are allowed



Crl.M.P.Nos.15567 & 15571 of 2024 in Crl.R.C.No.1900 of 2024

and till the disposal of the Criminal Revision case, the sentence imposed upon the petitioner/accused by the trial Court, is suspended on the following conditions:

(i) the sentence of imprisonment alone imposed on the petitioner/accused shall be suspended, on his executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the ***Judicial Magistrate, Tirukoilur;***

(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;

(iii) The petitioner shall appear before the trial Court on the first Monday of every 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 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.

08.11.2024

sli

Issue order copy by 12.11.2024

Upload the order copy forthwith.

To

1.The Judicial Magistrate,



Crl.M.P.Nos.15567 & 15571 of 2024 in Crl.R.C.No.1900 of 2024

Tirukoilur.

2. The Principal District and Sessions Judge,
Kallakurichi.

3. The Sub Inspector of Police,
Tirukoilur Police Station,
Kallakurichi District,
Crime No.184 of 2017.

4. The Public Prosecutor,
High Court Madras.



WEB COPY



Crl.M.P.Nos.15567 & 15571 of 2024 in Crl.R.C.No.1900 of 2024

SUNDER MOHAN, J.

sli

Crl.M.P.Nos.15567 & 15571 of 2024
in Crl.R.C.No.1900 of 2024

08.11.2024
(2/2)