



WEB COPY



Crl.M.P.No.19053 of 2023
in
Crl.R.C.No.2078 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P.No.19053 of 2023
in
Crl.R.C.No.2078 of 2023**

A.Sekar @ Rajasekar
S/o.Arumugam

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by its Inspector of Police,
Hasthampatti Police Station,
Salem, Salem District.

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Sections 397(1) and 439 of Criminal Procedure Code, to suspend the sentence imposed on the petitioner in Crl.A.No.2 of 2022 on the file of the Principal Sessions Judge, Salem dated 20.07.2023, confirming the judgment and conviction dated 22.12.2021 made in S.C.No.272 of 2016 on the file of the Assistant Sessions Judge and Chief Judicial Magistrate Court, Salem and enlarge the petitioner on bail, pending disposal of the main criminal revision petition.



WEB COPY



Crl.M.P.No.19053 of 2023
in
Crl.R.C.No.2078 of 2023

For Petitioner : Mr.G.D.Stalin

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This criminal miscellaneous petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 20.07.2023 passed in Crl.A.No.2 of 2022 by the learned Principal Sessions Judge, Salem, confirming the judgment dated 22.12.2021 passed in S.C.No.272 of 2016 by the learned Assistant Sessions Judge and Chief Judicial Magistrate Court, Salem pending disposal of the criminal revision case and enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Section 307 of IPC and sentenced to undergo rigorous imprisonment for the period of three years and to pay a compensation of Rs.25,000/-, in default of payment of the compensation, to undergo simple imprisonment of three months, vide judgment dated 22.12.2021 in S.C.No.272 of 2016, against which, appeal



Crl.M.P.No.19053 of 2023
in
Crl.R.C.No.2078 of 2023

WEB COPY

was filed in Crl.A.No.2 of 2022 before the learned Principal Sessions Judge, Salem and the same was dismissed on 20.07.2023. Aggrieved by the same, the revision petition has been filed along with the present petition to suspend the sentence.

3. The learned counsel for the petitioner submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. It is further submitted that apprehending arrest the present petition for suspension of sentence is filed and the petitioner is not in jail.

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



WEB COPY



CrI.M.P.No.19053 of 2023
in
CrI.R.C.No.2078 of 2023

5. Accordingly, the Criminal Miscellaneous Petition is ordered and the substantive sentence of imprisonment alone as against the petitioner is hereby suspended on the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Assistant Sessions Judge and Chief Judicial Magistrate Court, Salem along with two sureties for a like sum;

ii) the petitioner shall report before the Court below on the first working day of every month at 10.30 AM, until further orders.

18.07.2024
(2/2)

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

Note: Issue order copy by 22.07.2024



WEB COPY



Crl.M.P.No.19053 of 2023
in
Crl.R.C.No.2078 of 2023

To

1. The learned Assistant Sessions Judge and
Chief Judicial Magistrate,
Salem.
2. The learned Principal Sessions Judge,
Salem.
3. The Inspector of Police,
Hasthampatti Police Station,
Salem,
Salem District.
4. The Public Prosecutor,
Madras High Court,
Madras.



WEB COPY



Crl.M.P.No.19053 of 2023
in
Crl.R.C.No.2078 of 2023

M.DHANDAPANI, J.

vji

**Crl.M.P.No.19053 of 2023
in
Crl.R.C.No.2078 of 2023**

**18.07.2024
(2/2)**