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*Crl.M.P.Nos.16480 & 16481 of 2024
in Crl.R.C.No.2035 of 2024*

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in Crl.R.C.No.2035 of 2024

SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the revision petitioner / accused in CC.No.588 of 2021 by the learned Judicial Magistrate No.I, Vellore and confirmed by the learned Principal Sessions Judge, Vellore in C.A.No.234 of 2024 dated 30.10.2024 and release the petitioner on bail, pending disposal of the above revision 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 17.02.2021, at about 7.00 p.m., there was a quarrel between the petitioner and the witness one Raja and in continuation of the said quarrel, on 18.02.2021, at about 5.00 a.m., when the witnesses were sleeping in his house, the petitioner came to the house; attacked the witnesses with an iron pipe; and caused grievous injury to one of the witness and thereafter threatened them with dire consequence.



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3. The learned counsel for the petitioner would submit that the courts below had not considered the evidence in the proper perspective; that there are several infirmities in the prosecution case; that since there was a civil dispute, the petitioner is sought to be implicated; and that the medical evidence does not corroborate the evidence of eye-witnesses; and that pursuant to the judgment of the Lower Appellate Court, the petitioner has surrendered before the Trial Court on 27.11.2024.

4. The learned Government Advocate (crl.side), on instructions, would submit that the petitioner has surrendered before the trial Court on 27.11.2024.

5. Considering the submissions made by the learned counsel for the petitioner; and the grounds raised by the petitioner; and finding that there are arguable points in the above revision which requires consideration; and the fact that the petitioner has surrendered before the Trial Court, this Court is inclined to admit the revision and grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision :



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(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.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

28.11.2024
(2/2)

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Note: Issue order copy by 29.11.2024
Upload the order copy forthwith.



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To

1.The Judicial Magistrate No.I,
Vellore

2.The Principal Sessions Judge,
Vellore.

3.The Superintendent
Central Prison,
Vellore.

4.The Public Prosecutor,
High Court, Madras.

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28.11.2024
(2/2)