



Crl.M.P.Nos.16554 & 16555 of 2024
in Crl.R.C.No.2063 of 2024

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SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.61 of 2024 dated 29.10.2024 by the learned XVIII Additional Judge, XVIII Additional City Civil Court, Chennai confirming the judgment dated 08.01.2024 in C.C.No.5138 of 2020 passed by the learned II Metropolitan Magistrate, Egmore and enlarge 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 respondent that the petitioner and the respondent are husband and wife, who got married on 08.06.2006 according to Hindu rites and customs; that a son was born out of wedlock and that after ten



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years of marital life, the petitioner filed a suit for declaring the marriage as null and void since he was a Christian and the marriage was performed according to Hindu rites and customs; that the said plaint would make it clear that the petitioner had committed the offence under Section 493 IPC as he had co-habited deceitfully by inducing a belief of marriage and that he went through the ceremony of marriage fraudulently knowing that it is not a lawful marriage.

3.The petitioner was convicted by the trial Court and sentenced to undergo three years simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment for the offence under Section 493 IPC and to undergo three years simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment for the offence under Section 496 IPC. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court.

4.The learned counsel for the petitioner submitted that the respondent had filed a petition for restitution of conjugal rights and the same was



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ordered and that though a suit was filed by him in O.S.No.239 of 2016 and had sought for declaring the marriage as null and void, the contents of the plaint would make it clear that he had sought for dissolution only on the ground of cruelty and therefore, he had never co-habited by inducing the respondent on the belief of lawful marriage and that he had also not gone through the ceremony by making it appear that it is lawful.

5.The points raised by the petitioner requires consideration in the above revision and since prima facie case has been made out for suspension of sentence and the revision is not likely to be taken in near future, this Court is inclined to suspend the sentence and exempt the petitioner from surrendering before the Trial Court on the following conditions till the disposal of the criminal revision case.

(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 II Metropolitan Magistrate, Egmore;

(ii)The petitioner and the sureties shall affix their photographs and



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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 working day 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; and

6.In the result, the criminal miscellaneous petitions are ordered.

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