



*Crl.M.P.Nos.16816 & 16817 of 2024  
in Crl.R.C.No.2108 of 2024*

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**in Crl.R.C.No.2108 of 2024**

**SUNDER MOHAN, J.**

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the Revision petitioner to undergo two years Simple Imprisonment u/s.325 IPC by the Special Judge, SC/ST Act Cases, Namakkal in C.A.No.40 of 2024 by Judgment dated 12.09.2024 confirming the conviction and sentence imposed by Judicial Magistrate, Rasipuram in C.C.No.173 of 2015 by Judgment dated 26.12.2023, pending above revision.

2. The case of the prosecution is that the petitioner is the nephew of the defacto complainant, i.e. the defacto complainant husband's brother's son and on account of previous enmity, the petitioner is said to have attacked the defacto complainant while she went to fetch water in a public tap with hands; and that the defacto complainant is said to have sustained grievous injuries.



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3. The learned counsel for petitioner would submit that the petitioner's father and the defacto complainant's husband are brothers and that on account of previous enmity, the petitioner has been falsely implicated; that there are several arguable points in the above revision; that considering the age of the petitioner, he may be exempted from surrendering and sentence may be suspended.

4. The learned Government Advocate (Crl.side) appearing for the respondent, per contra, submitted that the courts below have rightly convicted the petitioner based on the evidence of the victim and that the petitioner has not made out any ground for suspension of sentence and opposed for granting bail.

5. Heard both sides and perused the records.

6. Considering the age of the petitioner, the nature of relationship between the petitioner and the defacto complainant and the fact that the petitioner has raised several arguable points in the above revision which requires consideration, this court is inclined to grant the relief of suspension



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of sentence imposed on the petitioner and exempt the petitioner from surrendering before the trial court, on the following conditions till the disposal of the above Criminal Revision:

(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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

29.11.2024  
(2/2)

rgr

**SUNDER MOHAN, J.**

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To

- 1.The Special Judge,  
SC/ST Act Cases,  
Namakkal.
- 2.The Judicial Magistrate,  
Rasipuram.
- 3.The Public Prosecutor,  
High Court, Madras.

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