



Crl.M.P.No.17231 of 2024 in Crl.R.C.No.2189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17231 of 2024
in Crl.R.C.No.2189 of 2024

Shanmugam

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kedar Police Station,
Villupuram District.
Crime No.97 of 2002.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) BNSS, to suspend the sentence imposed on him by the learned Principal Sessions Judge, Villupuram District, Villupuram in C.A.No.34 of 2024 by partly allowing the appeal filed by the petitioner herein and modifying the conviction and sentences passed by the learned Judicial Magistrate No.II, Villupuram, Villupuram District in respect of offence U/s.324 and sentenced to two years simple imprisonment to U/s.323 IPC and sentenced to six months simple imprisonment in C.C.No.63 of 2003 by judgment dated 23.04.2024 and enlarge him on bail pending disposal of above Crl.Revision Petition on the file of this Court.



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For Petitioner : Mr.K.Selvarangan
For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in the judgment, dated 09.09.2024 in Crl.A.No.34 of 2024 passed by the learned Principal Sessions Judge, Villupuram partly allowing and modifying the conviction and sentence passed by the learned Judicial Magistrate No.II, Villupuram in C.C.No.63 of 2003 on 23.04.2024.

2.The case of the prosecution is that the petitioner along with other accused on account of prior enmity had assaulted the victims with wooden log and also abused the victims in filthy language; and that the petitioner is said to have assaulted one of the witnesses with iron pipe.



3.The Trial Court found the petitioner guilty of offence under Section 147, 148, 294(b) and 324 of IPC. The Lower Appellate Court acquitted the petitioner of the offence under Sections 147, 148 and 294(b) of IPC and modified the conviction under Section 324 of IPC to 323 of IPC and sentenced to undergo Simple Imprisonment for six months.

4.The learned counsel appearing for the petitioner would submit during the course of investigation and trial, the petitioner was in custody for a total period of four months; that pursuant to the judgment of the Lower Appellate Court, he is in custody from 27.11.2024; and that there are arguable points in the revision which requires consideration and sought for suspension of sentence.

5.Heard Mr.S.Udaya Kumar, learned Government Advocate (Crl. Side) appearing for the respondent Police.

6.Considering the fact that the petitioner was sentenced to six months Simple Imprisonment, the period of incarceration and that there are



substantial grounds in the revision which requires consideration, this Court is inclined to grant the relief of suspension of sentence.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner, is suspended till the disposal of the criminal revision case and he is ordered to be released on bail on the following conditions:

(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 Judicial Magistrate No.II, Villupuram;

(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; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m until further orders and if he is not



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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.

05.12.2024
(2/2)

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Note: Issue Order Copy on 05.12.2024.

To

- 1.The Principal Sessions Judge,
Villupuram.
- 2.The Judicial Magistrate No.II,
Villupuram.
- 3.The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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