



Crl.M.P.Nos.17 and 20 of 2024  
in  
Crl.R.C.No.7 of 2024

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.07.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Crl.M.P.Nos.17 and 20 of 2024  
in  
Crl.R.C.No.7 of 2024**

1.Velmurugan

2.K.Krishnakumar

... Petitioner  
in both petitions

Vs.

State rep.by  
The Inspector of Police,  
Kumarapalayam Police Station,  
Namakkal District.  
Crime No.174 of 2013

... Respondent  
in both petitions

**PRAYER in Crl.M.P.No.17 of 2024 :** Criminal Miscellaneous Petition filed under Section 397(i) of Criminal Procedure Code, to suspend the sentence of imprisonment imposed in the judgment dated 29.11.2023 made in C.A.No.6 of 2022 on the file of the II Additional Sessions Court (FAC), Tiruchengode, confirming the judgment dated 22.12.2021 made in C.C.No.47 of 2020 on



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the file of the learned Judicial Magistrate, Kumarapalayam and enlarge the petitioners on bail, pending disposal of the above revision petition.

**PRAYER in Crl.M.P.No.20 of 2024 :** Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, to exemption from surrendering of the petitioner before the trial Court in pursuant to the judgment dated 29.11.2023 made in C.A.No.6 of 2022 on the file of the learned II Additional Sessions Judge (FAC), Tiruchengode, confirming the judgment dated 22.12.2021 made in C.C.No.47 of 2020 on the file of the learned Judicial Magistrate, Kumarapalayam, pending disposal of the revision petition before this Court.

For Petitioners  
in both petitions : Mr.N.Manoharan

For Respondent  
in both petitions : Mr.A.Gopinath  
Government Advocate (Crl.side)

## COMMON ORDER



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Crl.M.P.No.17 of 2024 has been filed to suspend the conviction and sentence imposed on the petitioners vide judgment dated 29.11.2023 passed in C.A.No.6 of 2022 by the learned II Additional Sessions Judge (FAC), Tiruchengode, confirming the judgment dated 22.12.2021 passed in C.C.No.47 of 2020 by the learned Judicial Magistrate, Kumarapalayam, pending disposal of the criminal revision case and enlarge the petitioners on bail.

2. Crl.M.P.No.20 of 2024 has been filed seeking to exempt the petitioner from surrendering before the learned II Additional Sessions Judge (FAC), Tiruchengode, in connection with conviction made in C.A.No.6 of 2022 vide judgment dated 29.11.2023, confirming the conviction and sentence made in C.C.No.47 of 2020 vide judgment dated 22.12.2021 by the learned Judicial Magistrate, Kumarapalayam.

3. The petitioners were convicted for the offence under Sections



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294(b) and 353 IPC and in respect of Section 294(b) IPC, they were sentenced to pay a fine of Rs.500/- each, in default, to undergo simple imprisonment for a period of one week and in respect of Section 353 IPC, they were sentenced to undergo imprisonment for a period of two years and the sentences were ordered to be run concurrently. Aggrieved by the same, the revision petition has been filed along with the present petition to suspend the sentence.

4. The learned counsel for the revision petitioners would submit 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 petitioners are not in jail.

5. Having regard to the fact that there are arguable points involved



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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 petitioners are entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone as against the petitioners is hereby suspended on the following conditions:

*(a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned Judicial Magistrate, Kumarapalayam, along with two sureties for a like sum;*

*(c) the petitioners shall report before the Court below on the first working day of every month at 10.30 AM, until further orders.*



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7. Crl.M.P.No.17 of 2024 is ordered accordingly. However, this Court is not inclined to exempt the petitioners from surrendering before the Court below. Hence, Crl.M.P.No.20 of 2024 is dismissed.

**01.07.2024**  
**(2/2)**

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

ssb

**Note: Issue order copy by 02.07.2024**

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1. The learned Judicial Magistrate, Kumarapalayam,
2. The learned II Additional Sessions Judge (FAC), Tiruchengode.
3. The Public Prosecutor,  
Madras High Court,  
Madras.



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**M.DHANDAPANI, J.**

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