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*Crl.M.P.Nos.18590 & 18591 of 2024
in Crl.R.C.No.2418 of 2024*

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in

Crl.R.C.No.2418 of 2024

L.VICTORIA GOWRI, J.

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/A1 by a judgment dated 09.09.2024 made in Crl.A.No.33 of 2024, on the file of the learned Principal Sessions Judge, Villupuram in modifying the judgment dated 23.04.2024 made in C.C.No.63 of 2003, on the file of learned Judicial Magistrate No.II, Villupuram and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2.The petitioner/A1 in C.C.No.63 of 2003 was convicted by the Trial Court by judgment dated 23.04.2024 for the offences under Sections 147, 148, 294(b) and 323 of I.P.C. and sentenced to undergo six months simple imprisonment for offence under Section 147 of I.P.C., to undergo one



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year simple imprisonment for offence under Section 148 of I.P.C., to undergo three months simple imprisonment for offence under Section 294(b) of I.P.C. and to undergo six months simple imprisonment for offence under Section 323 of I.P.C. Aggrieved by the same, the petitioner/A1 preferred an appeal in Crl.A.No.33 of 2024 before the learned Principal Sessions Judge, Villupuram. The learned Sessions Judge, by judgment dated 09.09.2024, partly allowed the appeal acquitting the petitioner for offence under Sections 147 and 148 of I.P.C. and convicting him for offence under Sections 294(b) and 323 of I.P.C., against the conviction, the petitioner filed Crl.R.C.No.2418 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and exemption from surrender.

3.The learned counsel for petitioner submitted that the petitioner has raised substantial grounds in the revision, which requires consideration and prayed for granting suspension of sentence to the petitioner.



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4.Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

5.Considering the fact that there are substantial grounds raised in the above revision, which requires consideration and since the revision is not likely to be taken up in the near future, this Court is inclined to 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:

- (i) The petitioner/A1 shall execute a bond for a sum of Rs.10,000/-, 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



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(iii) The petitioner/A1 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.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

27.12.2024
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To

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



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