



G.ILANGOVAN, J

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Assistant Sessions Court/Chief Judicial Magistrate Court, Ramanathapuram dated, 04/07/2024 made in SC No.165 of 2018 and enlarge the petitioner/A2 on bail, pending disposal of the above said Criminal Appeal.

2.The case of the prosecution brief:-

Due to property dispute between the parties, on 08/06/2016, the petitioner along with other accused abused and attacked the opposite party and also caused injuries to them. Upon which, a case in Crime No.84 of 2016 was registered for the offences under sections 120(B), 294(b), 341, 324 and 307 IPC.

3.After completion of the investigation, the respondent police filed a final report and the same has been taken cognizance in SC No.165 of 2018 by the Assistant Sessions Judge/Chief Judicial Magistrate, Ramanathapuram.

4.On the side of the prosecution, 9 witnesses were examined and 10 documents were marked. On the side of the accused, no witness was examined, but one document was marked.



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5.At the conclusion of the trial process, the trial court found the accused guilty of the offences under sections 294(b), 341 and 326 IPC and sentenced them to undergo each one month simple imprisonment for the offences under sections 294(b) and 341 IPC and to pay a fine of Rs.500/- for each offence, in default, to undergo 15 days Simple Imprisonment; and for the offence under section 326 IPC, sentenced them to undergo 7 years RI each and to pay a fine of Rs.1,000/- each, in default 3 months simple imprisonment.

6.Challenging the conviction and sentence, this appeal is preferred by the appellant/A2. Pending appeal, this criminal miscellaneous petition was taken out by the petitioner/A2 seeking suspension of sentence.

7.Heard both sides.

8.The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses. It is also submitted that A1 was released on bail by granting suspension of sentence, by order, dated 29/07/2024, made in Cr1.MP(MD)No.7421 of 2024 in Cr1.A(MD)No.621 of 2024.



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9.The learned Government Advocate (Criminal side) appearing for the respondent would submit that co-accused released on bail and no previous case is reported against this petitioner.

10.Considering the limited role played by this petitioner, no bad antecedent is reported against the petitioner, the co-accused have been enlarged on bail and also considering the fact that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, this criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner/A2 is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Assistant Sessions Judge/Chief Judicial Magistrate, Ramanathapuram and on further condition that the petitioner shall appear before the said Court on the first working day of every week until further orders.

16/08/2024

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