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*Crl.M.P.Nos.1621 and 1622 of 2025
in Crl.RC.No.214 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NOS. 1621 and 1622 of 2025

in

CRL RC NO. 214 of 2025

S.Pokku@Vinothkumar

... Petitioner in both Crl.M.Ps

Vs

State rep. by

The Sub Inspector of Police,

Ariyoor Police Station,

Vellore District.

Cr.No.287 of 2018

... Respondent in both Crl.M.Ps

For Petitioner(s):

Mr.M.R.Thangavel in both Crl.M.Ps

For Respondent(s):

Mr.S.Udaya Kumar

Government Advocate (Crl.Side)

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner by a judgment dated 01.04.2024 made in C.C.No.268 of 2021 on the file of learned Judicial



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Magistrate No.I, Vellore, which was confirmed by the learned Principal Sessions Judge, Vellore in C.A.No.27 of 2024 dated 23.08.2024 and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2. The case of the prosecution is that on 03.11.2018 at about 06.30 p.m., near Mariyamman Temple at Chinnasekkanur, while the witnesses Prabhu and Sekar were chatting, the accused abused the said Prabhu in filthy language in a public place with previous enmity and slapped him and caused grievous injury with knife on his right hand and also criminally intimidated the said Prabhu.

3.The petitioner/accused in C.C.No.268 of 2021 was convicted and sentenced by the Trial Court by the judgment dated 01.04.2024 for the offence under Section 294(b) IPC to pay a fine of Rs.1,000/- in default to pay the fine amount to undergo S.I for one month; Section 326 IPC to undergo S.I for 3 years with fine of Rs.10,000/- in default to pay the fine amount to undergo S.I for 6 months and; and under Section 506(ii) IPC, to pay a fine of Rs.5,000/- in



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default to pay the fine amount to undergo S.I for one month. Aggrieved by the same, the petitioner/accused preferred an appeal in C.A.No.27 of 2024 before the learned Principal Sessions Judge, Vellore. The learned Sessions Judge, by the judgment dated 23.08.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, he filed Crl.R.C.No.214 of 2025 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, exemption from surrender and bail.

4.The learned counsel for the petitioner would submit that the prosecution case is false that though the occurrence said to have been taken place on 03.11.2018, the complaint was lodged only on 08.11.2018 and there is no proper explanation for the delay. Although the prosecution would state that the victim took treatment in a private hospital, no medical records were produced to prove the same; that the weapons seized by the respondent were not used for the commission of the offence as admitted by the witness himself in his chief examination. Further, he would submit that the injuries noted in the accident register, would show that the offence under Section 326 IPC has not made out. Hence, he prayed for granting suspension of sentence to the petitioner.



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5. Heard the learned Government Advocate (Crl.Side) for the respondent and perused the records.

6. Considering the aforesaid submissions of the learned counsel for the petitioner and finding force in the same, this Court is of the view that the points raised by the petitioner requires consideration in the above revision, which is not likely to be taken up in the near future. Hence, 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 sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on him executing a bond for a sum of Rs.10,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety



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bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) 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 she is not able to appear before the Trial Court on that day, she 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 her absence as directed by the Trial Court;

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

31.01.2025
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SUNDER MOHAN, J.

Anu

To

1.The Judicial Magistrate No.I, Vellore

2.The Principal Sessions Judge, Vellore

3.The Sub Inspector of Police,
Ariyoor Police Station,
Vellore District.

4.The Public Prosecutor,
High Court, Madras.

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