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Crl.M.P.No.2595 of 2025
in
Crl.R.C.No.286 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No. 2595 of 2025

in

Crl.R.C.No. 286 of 2025

V.Ganapathy

... Petitioner

Vs.

The State Rep. by
Sub-Inspector of Police,
Central Crime Branch,
St.Thomas Mount, Chennai-600 016,
Crime No.783 of 2004.

... Respondent

Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S., to suspend the sentence imposed on the petitioner passed by the Judicial Magistrate No.I, Poonamallee in C.C.No.19 of 2010 dated 30.12.2022 and the same is confirmed by the II Additional District and Sessions Judge, Poonamallee, in Crl.A.No.57 of 2023, till disposal of the above criminal revision petition.



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For Petitioner : Mr.S.Magimai Raj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 30.12.2022 in C.C.No.19 of 2010 on the file of the Judicial Magistrate No.I, Poonamallee, which was modified by II Additional District and Sessions Judge, Tiruvallur @ Poonamallee in Crl.A.No. 57 of 2023 dated 21.12.2024, till the disposal of the above revision petition.

2. The petitioner is the first accused in C.C.No.19 of 2010 on the file of the Judicial Magistrate No.I, Poonamallee and the appellant in Crl.A.No.57 of 2023 on the file of the II Additional District and Sessions Judge, Tiruvallur @ Poonamallee, and he was convicted and sentenced as follows :

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence passed by the Trial Court</i>	<i>Modification of sentence by the lower appellate Court</i>
1	Section 120-B IPC	To undergo one month Rigorous imprisonment.	Confirmed.
2	Section 409 IPC	To undergo one year	To undergo one year



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S.No.	Provision under which convicted	Sentence passed by the Trial Court	Modification of sentence by the lower appellate Court
		Rigorous imprisonment and to pay a compensation of Rs.1,79,231/- jointly or severally with A3 within a month, in default, to undergo simple imprisonment for a period of three months.	Rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of three months.
3.	Section 477-A IPC	To undergo six months Rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month.	To undergo six months Rigorous imprisonment and to pay a compensation of Rs.6,20,064/- jointly and severally with A3 within a month, in default, to undergo simple imprisonment of three months.

Further, the aforesaid sentences were ordered to run concurrently.

3. It is seen from the judgment of the appellate Court that compensation imposed against the accused-A1 is not in line with the compensation imposed by the trial Court.

4. Challenging the above conviction and sentence, the petitioner/A1 preferred the revision in Crl.R.C.No.286 of 2025 along with the instant criminal miscellaneous petition seeking suspension of sentence and to enlarge him on bail.



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5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the fact that there are arguable points involved in the revision, this Court is of the considered view that it is a fit case to grant the relief of suspension of sentence to the petitioner/A1.

7. Accordingly, the substantive sentence of imprisonment alone is suspended 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.I, Poonamallee;

(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 shall appear before the Trial Court once in a month i.e., Monday at 10.30 a.m., pending disposal of the above revision.

27.03.2025

ms

To

1. The Judicial Magistrate No.I,
Poonamallee.
2. The II Additional District and Sessions Judge,
Tiruvallur @ Poonamallee.
3. The Sub-Inspector of Police,
Central Crime Branch,
St.Thomas Mount,
Chennai-600 016.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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