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CrI.M.P.No.771 of 2025
in CrI.R.C.No.89 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2025

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THE HONOURABLE MR.JUSTICE G.R. SWAMINATHAN

CrI.M.P.No.771 of 2025

in

CrI.R.C.No.89 of 2025

Rajaram

... Petitioner /A2

Vs.

The State of Tamil Nadu, rep by
The Inspector of Police,
Mettupalayam Police Station,
(In Cr.No.695/2013)

... Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) & (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to suspend the sentence passed in the impugned judgment dated 18.12.2024 in Criminal Appeal No.129/2022 by the learned I Additional District & Sessions Judge, Coimbatore, confirming the judgment dated 15.10.2022 in S.C.No.115 of 2015 passed by the learned Assistant Sessions Judge, Subordinate Court, Mettupalayam, till the disposal of this revision petition and enlarge the petitioner on bail.

For Petitioner : Mr.M.Dinesh Hari Sudarsan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in Crl.A.No.129 of 2022 dated 18.12.2024 passed by the learned I Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 15.10.2022 in S.C.No.115 of 2015 passed by the learned Assistant Sessions Judge, Mettupalayam and to enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

2. The petitioner/A2 in S.C.No.115 of 2015 was convicted by the Trial Court by judgment dated 15.10.2022 for the offences under Sections 324 r/w 109 of I.P.C. and sentenced to undergo six months simple imprisonment and directed to pay a fine of Rs.3,000/-, in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner/A2 preferred an appeal in Crl.A.No.129 of 2022 before the learned I Additional District and Sessions Judge, Coimbatore. The learned Sessions Judge, by judgment dated 18.12.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court. Challenging the same, the present criminal revision petition has been filed before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.



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3. Heard both sides.

4. The petitioner has arguable case on merits. If the petitioner's sentence is not suspended, the revision itself will become infructuous. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

5. Accordingly, this criminal miscellaneous petition is ordered and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal Revision and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner/A2 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, Mettupalayam;
- (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 on the first working day of every 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 any 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.

17.01.2025
(2/2)

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To

- 1.The Inspector of Police,
Mettupalayam Police Station.
- 2.The I Additional District & Sessions Judge,
Coimbatore.
- 3.The Assistant Sessions Judge,
Subordinate Court, Mettupalayam.
- 4.The Judicial Magistrate,
Mettupalayam.
- 5.The Public Prosecutor,
High Court, Madras.



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G.R. SWAMINATHAN, J.

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