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CRL MP NOS.2691 & 2692 of 2025
in CRL RC NO. 295 OF 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21-02-2025**

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NOS.2691 & 2692 of 2025

IN

CRL RC NO. 295 OF 2025

SHANMUGAM

S/o. Subbaiya Mudalaiyar,

Residing At No 25/b, Vellipalayam, Mettupalayam,
Coimbatore 641 301

Petitioner(s)/A1

Vs

The State Rep By,

The Inspector Of Police

Mettupalayam, Coimbatore.

(crime No. 695/2013)

Respondent(s)/Complainant

PRAYER: Criminal Miscellaneous Petitions have been filed under Section 389(1) & 482 of Cr.P.C. praying to suspend the sentence imposed by the learned Subordinate Judge, Mettupalayam, Coimbatore in S.C.No.115 of 2015 by its judgment dated 15.10.2022 confirmed by the learned I Additional District & Sessions Judge, Coimbatore in C.A.No.124 of 2022 dated 18.12.2024.

For Petitioner:

Mr.C.D. Johnson

For Respondent(s):

Mr. S.Sugendran

Additional Public Prosecutor



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ORDER

These Criminal Miscellaneous Petitions have been filed to suspend the sentence imposed on the petitioner in Crl.A.No.124 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 Subordinate Judge, Assistant Sessions Court, Mettupalayam and to enlarge the petitioner on bail, pending disposal of the above Criminal Revision and to exempt the petitioner from surrendering before the trial Court, pending disposal of the above Criminal Revision.

2. The petitioner/A1 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 of I.P.C. and sentenced to undergo two years simple imprisonment and directed to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment. Aggrieved by the same, the petitioner/A1 preferred an appeal in Crl.A.No.124 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



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petition has been filed before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.The learned counsel for petitioner submitted that the petitioner and de-facto complainant/PW1 are relatives. There is a dispute between them with regard to property and a civil suit was also filed. He further submitted that the co-accused/A2 was granted bail by this Court in Crl.M.P.No.771 of 2025 dated 17.01.2025.

4.The learned Additional Public Prosecutor submitted that already there is a civil dispute between the petitioner and PW1. He further submitted that during trial, PW1 to PW8 examined, Exs.P1 to P12 marked and M.O.1 marked. On the side of the defence, DW1 and DW2 examined and Exs.D1 and D2 marked. On the conclusion of trial, the trial Court on the evidence of witnesses and the materials produced, convicted the petitioner as stated above. He further submitted that this Court suspended the sentence of the co-accused/A2 in Crl.M.P.No.771 of 2025 dated 17.01.2025.

5.It is seen that in this case there is a civil dispute between the relatives



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and a civil case is pending between them. A2 was already granted suspension of sentence by this Court on 17.01.2025 in Crl.M.P.No.771 of 2025 in Crl.R.C.No.89 of 2025. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6.Accordingly, the petitioner is exempted from surrendering before the trial Court and substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the above revision and he is ordered to be enlarged on bail, on condition that he 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.

7.Further, the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the criminal 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.

8.Accordingly, these Criminal Miscellaneous Petitions are ordered.



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21-02-2025
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Note: Issue order copy on 25.02.2025.

To

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



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M. NIRMAL KUMAR, J.

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