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Crl.O.P.No.4837 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.4837 of 2025

Seemattaian @ Nagaraj

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Annadhanapatty Police Station,
Salem District.
Crime No.218 of 2014

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.1 of 2024 in C.A.No.59 of 2024 dated 20.03.2024 on the file of II Additional District Judge, Salem.

For Petitioner : Mr. T.Muruganantham

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)



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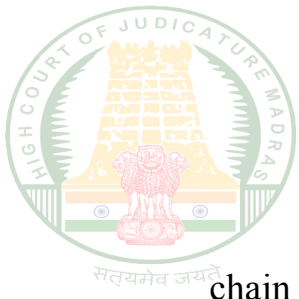
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ORDER

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P. No. 1 of 2024 in C.A. No. 59 of 2024, dated 20.03.2024, thereby refusing to suspend the sentence imposed by the Trial Court in S.C. No. 231 of 2015 on the file of the Principal Sub Court, Salem.

2. The petitioner is an accused and arrayed as A2 in S.C. No. 231 of 2015. After a full-fledged trial, the Trial Court convicted the petitioner for the offences under Section 392 of the IPC and sentenced him to undergo five years rigorous imprisonment and also to pay a fine of Rs.3,000/-. Aggrieved by the same, the petitioner filed an appeal in C.A. No. 59 of 2024, along with a petition for suspension of sentence in Crl.M.P. No. 1 of 2024. It was dismissed by the Appellate Court and aggrieved by the same, the petitioner filed this petition.

3. The learned counsel for the petitioner would submit that the petitioner has got a very good case to succeed in the appeal. The alleged



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chain was recovered from the first accused. However, there was no identification parade conducted by the respondent to identify the petitioner. Further, after 2019, there is no case pending against the petitioner. All the previous cases cited by the Appellate Court are old cases and as such, the petitioner sought suspension of sentence.

4. Heard the learned counsel for both sides and perused the materials available on record.

5. On a perusal of the records, it reveals that there are 30 accused, in which the petitioner is arrayed as A2. The petitioner committed a serious offence by snatching the Thaali Chain of a woman. Further, the petitioner has so far been involved in more than 12 cases, including similar types of offences and also a case under Section 302 of the IPC. Therefore, the Appellate Court rightly dismissed the petition for suspension of sentence and if the petitioner is let out on bail, he may involve himself in the same similar offences. Therefore, this Court finds no infirmity or illegality in the orders passed by the Appellate Court.



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6. In the result, this Criminal Original Petition is dismissed.

21.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
kv

To

1. The II Additional District Judge, Salem.
2. The Inspector of Police,
Annadhanapatty Police Station,
Salem District.



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G.K.ILANTHIRAIYAN, J.

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