



Crl.M.P.No.5532 of 2025
in
Crl.R.C.No.467 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No. 5532 of 2025
in
Crl.R.C.No. 467 of 2025

K.K.Sahakul Hameed
S/o.K.S.Gaja Mohadeen

... Petitioner

Vs.

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

... Respondent

Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C., / 438(1) BNSS, to suspend the sentence and compensation imposed by the learned Judicial Magistrate No.I, Poonamallee by a judgment dated 30.12.2022 in C.C.No. 9 of 2010 which was modified by the learned II Additional District and Sessions Judge, Poonamallee in Crl.A.No. 59 of 2023 dated 21.12.2024 and enlarge the petitioner on bail, pending disposal of the revision.



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For Petitioner : Mr.A.M.Rahamath Ali
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This criminal miscellaneous petition has been preferred seeking to suspend the sentence and compensation imposed on the petitioner by judgment dated 30.12.2022 in C.C.No.9 of 2010 on the file of the Judicial Magistrate No.I, Poonamallee, which was modified by the II Additional District and Sessions Judge, Tiruvallur @ Poonamallee in Crl.A.No. 59 of 2023 dated 21.12.2024, and to enlarge the petitioner/A3 on bail, pending disposal of the above revision petition.

2. The petitioner is the third accused in C.C.No.9 of 2010 on the file of the Judicial Magistrate No.I, Poonamallee and the appellant in Crl.A.No.59 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



Crl.M.P.No.5532 of 2025
in
Crl.R.C.No.467 of 2025

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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 compensation of Rs.1,63,386/- jointly or severally with A1 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 read with 109 IPC	To undergo four months Rigorous imprisonment and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for a period of two weeks.	To undergo six months Rigorous imprisonment and to pay a compensation of Rs.1,63,386/- 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 conviction and sentence imposed against the accused-A3 are not in line with the conviction and sentence imposed by the trial Court.

4. Challenging the above conviction and sentence, the petitioner/A3 preferred the revision in Crl.R.C.No.467 of 2025 along with the instant criminal miscellaneous petition seeking suspension of sentence and to enlarge him on bail.



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Crl.M.P.No.5532 of 2025
in
Crl.R.C.No.467 of 2025

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/A3.

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



Crl.M.P.No.5532 of 2025
in
Crl.R.C.No.467 of 2025

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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

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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 City.
4. The Public Prosecutor,
High Court, Madras.



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Crl.M.P.No.5532 of 2025
in
Crl.R.C.No.467 of 2025

P.VELMURUGAN, J
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Crl.M.P.No.5532 of 2025
in
Crl.R.C.No.467 of 2025

27.03.2025
(6/6)