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CRL MP No. 18507 of 2024 in
CRL A NO.1646 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO. 18507 of 2024

in CRL A.NO.1646 OF 2024

SATHISH

S/o.Muniyandi,

D.No.118/6, 43, Varadharajaulu Nagar, Back Side

Of Siva Hospital, Ganapathy, Coimbatore.

Appellant(s)

Vs

The State Represented by,

The Inspector Of Police

B-9, Saravanampatty Police Station,

Coimbatore District. Cr.No.87/2014

Respondent(s)

For Appellant(s): Mr.K.Prabhakaran

For Respondent : DR.C.E.PRATAP,

GOVT. ADVOCATE (CRL.SIDE)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in S.C.No.196 of 2015 on the file of the 1st Additional District & Sessions Judge, Coimbatore and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

2. The case of the prosecution is that the petitioner and two other



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accused were auto drivers; that aggrieved by the plying of auto rickshaws by certain third parties in the locality where the petitioner and other accused were plying their auto, the petitioner alongwith others, on 17.02.2014, at around 12.00 noon, had restrained the defacto complainant while he was plying his auto, caused hurt repeatedly with hands and stones and also caused damage to the tune of Rs.9,400/- to the auto rickshaw of the defacto complainant.

3. The petitioner/Accused in S.C.No.196 of 2015 was convicted by the Trial Court and sentenced to undergo one month simple imprisonment for the offence under Section 341 IPC and three months simple imprisonment for the offence under Section 323 IPC and three years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment for the offence under Section 3(1) of the Tamil Nadu Property (Prevention of Destruction and Loss) Act. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1646 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that though the Trial Court had suspended the sentence after delivering the impugned judgment dated 23.03.2023, since the petitioner did not prefer an appeal



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immediately, he was arrested during the first week of November 2024 and is now in custody.

5. The learned Government Advocate (crl.side) appearing for the respondent, on instructions submitted that the petitioner was arrested pursuant to the judgment of the trial court and is now confined in Central Prison, Coimbatore.

6. Considering the fact that the petitioner has raised substantial grounds in the above appeal which requires consideration; that the fixed sentence of imprisonment imposed on the petitioner was originally suspended by the trial court, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:



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- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned 1st Additional District & Sessions Judge, Coimbatore ;
- (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
- (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 appeal 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.

rgf

02.01.2025
(2/2)

Issue order copy by .01.2025
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To

- 1.The 1st Additional District & Sessions Judge,
Coimbatore
- 2.The Inspector Of Police
B-9, Saravanampatty Police Station,
Coimbatore District.
- 3.The Superintendent
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

rgt

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