



CRL MP NO.18062 of 2024 in
CRL A NO.1611 OF 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO.18062 of 2024

IN CRL.A.NO.1611 OF 2024

KANIMOZHI

W/o.Jeganathan,
Mariyampatti Village,
Athikarapatti Post,
Pappireddipatti Taluk,
Dharmapuri District.

Appellant(s)

Vs

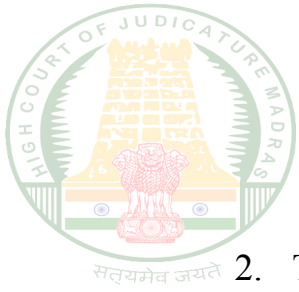
State Rep. By Inspector Of Police,,
Pappireddipatti Police Station,
Dharmapuri District.
(Crime No.26/2022)

Respondent(s)

For Appellant(s) : Mr.V.Sakkarapani
For Respondent(s) : 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.66 of 2023 dated 23.10.2024 on the file of the Sessions Judge, Fast Track Mahila Court, Dharmapuri and enlarge the petitioner on bail, pending the above appeal.



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2. The case of the prosecution is that, on 24.01.2022 at about 6.30 p.m., when the defacto complainant went to her brother's house to have dinner and was returning back to her house through the paddy field, at about 8.00 p.m, the petitioner came behind her, threw chilly powder on her eyes and pushed her to the paddy field, snatched 4 sovereigns of gold chain and ran away from the place.

3. The petitioner/Accused in S.C.No.66 of 2023 was convicted by the Trial Court and sentenced to undergo **Seven years** rigorous imprisonment for the offence under Section 392 r/w 397 IPC and to pay a fine of Rs.5,000/- in default to undergo six months rigorous imprisonment simple imprisonment. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1611 of 2024 along with the instant miscellaneous petition seeking suspension of sentence.

4. The learned counsel for the petitioner would submit that the petitioner is in custody from 29.01.2022, for a total period of two years and 11 months, as against the sentence of seven years imprisonment; that the petitioner has raised substantial grounds in the above appeal, which requires consideration and prayed for suspension of sentence.



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5. Heard the learned Govt. Advocate (crl.side) and perused the counter affidavit filed by the State.

6. It is seen from the record that the petitioner has raised several arguable points in the above appeal. The appeal is not likely to be taken up in the near future. The petitioner is in custody for a total period of two years and 11 months which is not in dispute.

7. Considering the period of incarceration suffered by the petitioner and the fact that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. 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:

- (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 the Sessions Judge, Fast Track Mahila Court, Dharmapuri ;



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(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 she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

10-01-2025

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Issue order copy by 13.01.2025
Upload the order copy forthwith.



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SUNDER MOHAN, J.

rgt

To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Dharmapuri
- 2.The Inspector Of Police,
Pappireddipatti Police Station,
Dharmapuri District.
- 3.The Superintendent
Special Prison for Women,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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