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Crl.M.P.No.18310 of 2024
in Crl.R.C.No.2379 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.18310 of 2024

in

Crl.R.C.No.2379 of 2024

Thirunavukkarasu

... Petitioner /Accused

Vs.

The State by
Sub-Inspector of Police,
Thimmampettai P.S.,
Vaniyambadi,
Thirupathur District.
(Crime No.194/2019)

... Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita praying to suspend the sentence imposed on him by the learned Principal District and Sessions Judge, Thirupattur District at Thirupattur in C.A.No.96 of 2023 dated 13.09.2024 confirming the conviction and sentences passed by the learned Judicial Magistrate, Vaniyambadi, Thirupattur District in respect of offences under Section 324 of I.P.C. and sentences to 2 years simple imprisonment in C.C.No.146/2020 by judgment dated 08.05.2023 and enlarge him on bail pending disposal of the above Criminal Revision.

For Petitioner : Mr.K.Selvaragan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



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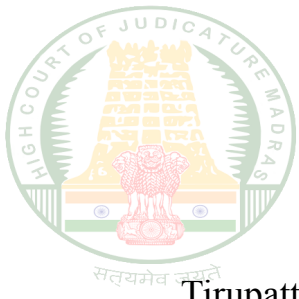
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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned District and Sessions Judge, Thirupattur District at Thirupattur in C.A.No.96 of 2023 dated 13.09.2024 confirming the conviction and sentences passed by the learned Judicial Magistrate, Vaniyambadi, Vellore District in C.C.No.146 of 2020 by judgment dated 08.05.2023 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

2. It is the case of the prosecution that due to prior property dispute the petitioner abused PW1 in filthy language and assaulted her with wooden log besides committing the offence of criminal intimidation and harassment.

3. The petitioner/accused in C.C.No.146 of 2020 was convicted by the Trial Court by judgment dated 08.05.2023 for the offence under Section 324 of I.P.C. and sentenced to undergo two years simple imprisonment and directed to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner/accused preferred an appeal in Crl.A.No.96 of 2023 before the learned District and Sessions Judge,



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Tirupattur. The learned Sessions Judge, by judgment dated 13.09.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, he filed Crl.R.C.No.2379 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that petitioner was acquitted of all the offences except for the offence under Section 324 of I.P.C.; that there are substantial grounds raised in the above revision, which requires consideration and that the petitioner had surrendered pursuant to the judgment of Appellate Court before the learned Judicial Magistrate No.I, Ambur on 04.01.2025 and hence, prayed for granting suspension of sentence to the petitioner.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

6. Considering the fact; that the petitioner has raised substantial grounds in the above revision, which requires consideration; that the revision



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is not likely to be taken up in the near future and the petitioner is now in custody, this court is inclined to grant the relief of suspension of sentence and bail to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal Revision 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 Judicial Magistrate, Vaniyambadi, Thirupattur District;
- (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 revision 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



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on any other day in lieu of the date of his absence, as directed by
the trial Court.

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(2/3)

rsi

Issue order copy by 07.01.2025
Upload the order copy forthwith.

To

- 1.The Judicial Magistrate,
Vaniyambadi, Thirupattur District.
- 2.The District and Sessions Judge,
Thirupattur District at Thirupattur.
- 3.The Judicial Magistrate No.I,
Ambur.
- 4.The Superintendent,
Central Prison,
Vellore.
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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