

**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, ERODE**

Present : Thiru. B. Murugesan, B.A., B.L.,
Principal Sessions Judge, Erode

Thursday, the 7th day of November, 2024

**MP No.1/2024
in
CA No.310/2024**

D.Anand @ Anandhkumar (40),
S/o Dhanuskodi,
77-C, Nataraja Theatre Backside,
Marapalam, Erode,
Erode District.

... Petitioner/Appellant/A1

Vs

State by Inspector of Police,
Town Police Station, Erode.
Crime No.797/2019.

... Respondent/Respondent/Complainant

This petition filed on 29.10.2024 under **S.430(1) BNSS** for suspend the execution of the sentence of imprisonment imposed upon the petitioner/appellant/A1 in CC No.16/2020 dated 28.10.2024 on the file of the Court of Judicial Magistrate No.II, Erode coming on this day for hearing before me in the presence of Tmt.S.Nathiya, Advocate for the petitioner and, Thiru.M.Arutchelvan, Public Prosecutor for the respondent and, upon hearing the arguments of both sides, this court made the following

ORDER

Heard both sides.

Claiming an order suspending the execution of sentence of imprisonment passed in the judgment dated 28.10.2024 against the petitioner/appellant/A1 in CC No.16/2020 wherein the trial court has found the petitioner/appellant/A1 guilty of the offences punishable under S.392 IPC, sentenced him to undergo simple imprisonment for three years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for six months for the offence punishable under S.392 IPC, the period

already in prison, is directed to set off under S.428 CrPC, the petitioner/appellant/A1 has filed this application under S.430(1) BNSS. Fine Paid.

Aggrieved by such conviction and sentence, the petitioner/appellant/A1 has filed the criminal appeal in CA No.310/2024 on the file of this court.

Pending the criminal appeal, the petitioner/appellant/A1 seeks suspension of sentence on the ground that he has a fair chance of success in the criminal appeal.

Learned counsel for the petitioner/appellant/accused would submit that the petitioner/appellant/A1 has already in judicial custody in this case during trial period for past 71 days and he is in prison.

Learned counsel for the petitioner/appellant/A1 has raised certain relevant issues and arguable points which have to be dealt with only at the time of final hearing.

Considering the criminal appeal having been filed by the petitioner/appellant/A1 challenging the conviction and sentence of the trial court, this court is inclined to suspend the sentence imposed on the petitioner/appellant/A1 by the trial court in CC No.16/2020.

In the result, the execution of sentence of imprisonment in CC No.16/2020 on the file of the court of Judicial Magistrate No.II, Erode, is suspended till the appeal is disposed of, and the petitioner/appellant/A1 is ordered to be released on bail with the condition that the petitioner/appellant/A1 has to execute a bond for a sum of Rs.10,000/- with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate No.II, Erode, within two weeks from the date of this order.

Pronounced by me in open court, this 7th day of November, 2024.

Principal Sessions Judge
Erode

Copy to

1. Judicial Magistrate No.II, Erode
2. The Public Prosecutor, Principal Sessions Court, Erode
3. Tmt.S.Nathiya, Advocate, Erode