

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 7<sup>th</sup> day of December, 2023

**MP No.1/2023**  
**in**  
**CA No. 442/2023**

P.Velusamy (46),  
S/o.Ponnusamy,  
84, Raja Street, Mekkur,  
Perundurai, Erode.

...Petitioner/Appellant/Accused

Vs.

State by Inspector of Police,  
Erode Taluk Police Station.  
(Crime No.381/2016).

...Respondent/Respondent/Complainant

Petition dated 28.11.2023 filed under S.389(i) CrPC praying to suspend the sentence of imprisonment imposed upon the petitioner/appellant/accused in CC No.74/2018 dated 23.11.2023 on the file of the court of Judicial Magistrate No.I, Erode.

This petition is coming on this day for hearing before me in the presence of Thiru.P.P.Duraisamy, 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 CC.No.74/2018 by judgment dated 23.11.2023 against the petitioner/appellant/accused wherein the trial court has found guilt of the petitioner/appellant/accused for the offences punishable under S.279 and 304(A) (2 counts) IPC, that the petitioner/appellant/accused was convicted and sentenced to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for two weeks for the offence under S.279 IPC and to undergo simple imprisonment for one year

..2..

(each) for the offence under S.304(A) (2 counts) IPC and the sentence shall run consecutively, the petitioner/appellant/accused has filed this application under S.389(1) CrPC. Fine paid.

The sentence imposed upon the petitioner/appellant/accused was suspended by the trial court till 22.12.2023.

Aggrieved by the judgment of conviction and sentence, the petitioner/appellant/accused has filed an Appeal in CA No.442/2023.

Pending the Appeal, the petitioner/appellant/accused seeks suspension of sentence for the reason that he has good chance to succeed in the appeal.

Learned counsel for the petitioner/appellant/accused has raised certain relevant issues and arguable points which have to be dealt with only at the time of final hearing. The petitioner/appellant/accused is convicted by the trial court for one year and the petitioner/appellant/accused has a right to effectively contest the appeal. In the above said reasons, the sentence imposed on the petitioner/appellant/accused by the trial court in CC No.74/2018 by judgment dated 23.11.2023 is hereby suspended till disposal of main appeal as stated below.

In the result, the execution of sentence of imprisonment is suspended till the appeal is disposed of, with the condition that the petitioner/appellant/accused 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.I, Erode, within two weeks from the date of this order.

Pronounced by me in open court, this 7<sup>th</sup> day of December, 2023.

Principal Sessions Judge  
Erode

Copy to

1. Judicial Magistrate No.I, Erode
2. Public Prosecutor, Principal District Court, Erode
3. Thiru.P.P.Duraisamy, Advocate, Erode