

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI

Present : Thiru.R.GURUMURTHY., B.Sc., B.L.,

Principal Sessions Judge, Thoothukudi

Tuesday the 11th day of October 2022

Cr.M.P.No.5593/2022 in C.A.No.88/2022

Mrs.Sornakutti (60/2022)

W/o.Hariharaputhiran,

18, Veera sadachiamman kovil street, ...Petitioner/Appellants/Accused No.1

Kayalpattinam, Tiruchendur.

-Vs-

State:- Sub-Inspector of Police

Author police station,

Thoothukudi.

...Respondent/Complainant/Respondent

Crime No.184/2016

Petition u/s.389(1) Cr.P.C., filed on 10-10-2022, prays for Suspend of Sentence to the Petitioner/Appellants/Accused. This Petition is coming on this day for final hearing before me in the presence of Thiru.R.Subramania Adhityan, Advocate for the Petitioner/Appellants/Accused and objection made by the learned Public Prosecutor are heard and this court delivered the following...

ORDER

This petition has been filed by the petitioner/appellant/accused u/s.389(1) Cr.P.C to suspend the sentence of imprisonment imposed against him on 28.09.2022 in C.C.No.245/2017 on the file of the learned Judicial Magistrate Court, at Tiruchendur.

The petitioner was convicted and sentenced to undergo Rigorous Imprisonment for two years and to pay a fine of Rs.4,000/- in default to undergo Simple Imprisonment for six months for the offence u/s.379 of IPC by the Judicial Magistrate Court, at Tiruchendur in C.C.No.245/2017 dated 28.09.2022. Aggrieved by the same, the petitioner/appellant/accused has preferred the above criminal appeal before this Court.

Heard both sides. Perused the petition.

The learned Counsel for the petitioner/appellant/accused would submit that the petitioner/appellant/accused has paid the fine amount of Rs.4,000/- before the trial Court and the petitioner/appellant/accused was on bail during the trial period and that the sentence of imprisonment imposed against him was suspended by the trial Court for a period of 30 days and he has got arguable points in the appeal and therefore it is

prayed that the substantive sentence of imprisonment imposed against him by the trial Court may kindly be suspended till the disposal of the appeal.

The learned Public Prosecutor has not raised any serious objection to allow this petition.

On perusal of the judgment of the trial Court, this Court is of the view that there are arguable points on the petitioner's side in the appeal.

Considering the above facts and circumstances of the case and that the petitioner/appellant/accused has already paid the fine amount before the trial Court and he was on bail during the trial period and the trial Court has also suspended the sentence of imprisonment for a period of 30 days u/s.389(3) of Cr.P.C, this Court is inclined to suspend the substantive sentence of imprisonment alone by allowing this petition.

In the result, this petition is allowed and the substantive sentence of imprisonment imposed against the petitioner/appellant/accused on 28.09.2022 in C.C.No.245/2017 on the file of learned Judicial Magistrate Court, at Tiruchendur is suspended till the disposal of the appeal and the petitioner/appellant/accused is ordered to be released on bail on his executing a bond for Rs.10,000/- along with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate Court, at Tiruchendur.

Pronounced by me in the Open Court this the 11th day of October 2022.

Principal Sessions Judge
Thoothukudi.

To

- The Judicial Magistrate, Tiruchendur.
- Sub-Inspector of Police, Author police station, Thoothukudi.
- The Advocate for the petitioner.