



IN THE COURT OF PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM.

PRESENT: **THIRU.S.KUMARAGURU, B.L.**,

Principal Sessions Judge,

Ramanathapuram.

Wednesday, the 06th day of November 2024

CrI.M.P.No.01/2024

in

C.A.No.60/2024

Babu @ Periyasamy,
S/o.Palanisamy.

...Petitioner/ Accused

/vs/

State through the Inspector of Police,
R.S.Mangalam P.S.,
Cr.No.09/2011.

...Respondent/Complainant

This petition is coming on for final hearing before me in the presence of the Thiru. Deva Prithi Dhinakaran, B.A., B.L., the Learned Counsel for the petitioner and Thiru.B.Karthikeyan, B.A., B.L., the Public Prosecutor for the State and upon hearing the arguments, this Court passed the following ...

ORDER

This petitioner is filed by the petition u/s.430 of BNSS seeking to suspend the sentence imposed in S.C.No.108/2016 dated 10.10.2024 by the learned Chief Judicial Magistrate, Ramanathapuram till the disposal of the criminal appeal.

2. The learned counsel for the petitioner would submit that the learned Chief Judicial Magistrate, Ramanathapuram has found guilty and sentenced to undergo Simple Imprisonment for 1 month for punishable offence U/s.341 IPC and



sentence to undergo Rigorous Imprisonment for 3 years and to pay a fine of Rs. 500/- I/d Simple imprisonment for 3 months for punishable offence U/s.307 IPC and sentence to undergo Rigorous Imprisonment for 1 year and to pay a fine of Rs. 500/- I/d Simple imprisonment for 1 month for punishable offence U/s.324 IPC. Further the said sentence has been suspended by the trial court in CrI.M.P.No.8172/2024 dated 09.11.2024.

3. The learned Counsel for the petitioner further would submit that the fine amount has already been paid by the petitioner and there is a fair chance to succeeding the case and also argued that the petitioner is the law abiding citizens. Hence, he prays to suspend the execution of sentence passed in S.C.No.108/2016 dated 10.10.2024. Aggrieved by the order of the learned Chief Judicial Magistrate, Ramanathapuram he prays for suspension of sentence till the disposal of the Criminal Appeal.

4. The Learned Public Prosecutor does not raised any serious objection to suspend the sentence against the petitioner/accused

5. Heard both side. The learned Counsel for the petitioner has contended that the trial court has not considered oral and documentary evidence and convicted the petitioner/accused. Further he has argued that several points are available in appeal memorandum. On perusal of the grounds of appeal memorandum shows that



several arguable points are available in appeal. The appeal is not disposal in near future. Hence, substantial sentence alone is suspended till the disposal of the Criminal Appeal with following conditions;

(i) that the petitioner/accused are hereby granted bail on execution of bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Ramanathapuram.

ii) that the petitioner is directed to file personal affidavit regarding that the petitioner shall appear before the appellate court for all the hearings without fail at the time of furnishing sureties before the learned Chief Judicial Magistrate, Ramanathapuram.

iii) that, the petitioner/accused are directed to report before the appellate Court on every 1st working day of English Calender month at 10.30 a.m., until disposal of the appeal and also directed to co-operate with appeal proceedings.

iv) If the petitioner/accused fails to comply the conditions, the learned Chief Judicial Magistrate, Ramanathapuram is entitled to take appropriate action against the petitioner in accordance with law .

Pronounced by me in open Court this the 06th day of November 2024.

Principal Sessions Judge,
Ramanathapuram.
06.11.2024

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Copy sent through E.mail:-

To
The Chief Judicial Magistrate, Ramanathapuram
The Respondent through the Public Prosecutor
The petitioner through his counsel.