

IN THE COURT OF THE II ADDITIONAL DISTRICT JUDGE, SALEM.

PRESENT: Thiru A.M. Ravi, B.A., B.L.,
II Additional District Judge,
Salem.

Tuesday, the 23rd day of April 2024

C.M.P. No. 1/2024 in C.A.No.82/2024 in CC No.103/2020

Thiyagarathinam (39 Years),

S/o. Palanivel

.. Accused / Petitioner

/Vs/

State rep by

The Inspector of Police,

Shevapet Police Station.

.. Respondent / Complainant

Petition dated 27.03.2024 filed Under Section 389(1) of Cr.P.C. to suspend the sentence passed against the Petitioner by the learned Judicial Magistrate No.3, Salem in C.C.No. 103/2020 dt. 27.02.2024 till the disposal of appeal.

This petition is coming on this day for hearing before me in the presence of Thiru. A. Shanmugam, Advocate for the Petitioner and of Thiru. P. Sakthivel, the learned Additional Public Prosecutor for the State and upon perusing the petition and affidavit, this Court passed the following:

ORDER

Heard both sides and perused the records. The Petitioner's learned Counsel categorically submitted that in C.C.No. 103/2020 the learned Judicial Magistrate No.3, Salem convicted the Accused/Petitioner and sentence to undergo Simple Imprisonment for the period of **3 years** and along with fine **Rs. 5,000/-** in default of

payment of fine the accused has to undergo Additional simple imprisonment for the period of **8 Months** for the commission of offence under Section 326 IPC and to undergo Simple Imprisonment for the period of **1 Month** for the commission of offence under Section 341 IPC and the Accused acquitted for the commission of under Section 294(b), 506(ii) IPC.

2. The Accused/Petitioner filed a petition U/s. 389(3) of Cr.P.C in CMP.No. 1040/2024, dated 27.02.2024 before the learned Judicial Magistrate No.3, Salem and the said sentence was suspended till one Month. Now the Petitioner is seeking to suspend the sentence imposed by the learned Judicial Magistrate No.3, Salem till the disposal of appeal.

3. On perusal of the case records it reveals that the fine amount had been paid by him in the trial Court and the receipt is also enclosed and the Accused / petitioner prepared an appeal and filed before the Hon'ble Principal District Court, Salem within time on 27.03.2024 and the same was taken file on 02.04.2024 as C.A. 82/2024 and it was made over to this Court and pending before this Court.

4. Considering the facts and circumstances this Court inclined to allow this application and the sentence imposed by the learned Judicial Magistrate No.3, Salem is hereby Suspended till the disposal of the appeal, the Accused executing bond for Rs. 10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned learned Judicial Magistrate No.3, Salem and Accused /

Petitioner should appear and sign before the learned Judicial Magistrate No.3, Salem on 1st Monday of every month at 10:00A.M. until further order.

Pronounced by me in open Court, this 23rd day of April 2024.

**Sd/- A.M. Ravi,
II Additional District Judge,
Salem.**

Copy to:

The Judicial Magistrate No.3,
Salem.