

In the Court of the Principal Sessions Judge, Theni.

Present : Tmt. G. Anuradha, L.L.M., M.L.S.,

Principal Sessions Judge, Theni, (i/c)

(Authorized U/s.8(8) of B.N.S.S.,)

Dated this the 20th day of September 2024

M.P.No : 01/2024 -In-

C.A.No.137/2024

(S.C.No.136/2022 on the file of the Assistant Sessions Judge cum Chief Judicial Magistrate, Theni)

Mokkaiyan

... Petitioner/Appellant/Accused

-Versus-

State through the Inspector of Police,

Rajathani P. S. in

Cr.No.37/2022

... Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of Thiru. K. Murugan, Advocate for the Petitioner/Appellant/Accused and Learned Public Prosecutor for the state, this court passed the following :

ORDER

This petition is filed by the Petitioners U/s.430 of B.N.S.S., prays to suspend the execution of the sentence to undergo four years rigorous imprisonment and fine Rs.2,000/- in default further undergo three months simple imprisonment for the offence U/s.307 of IPC passed by the Assistant Sessions Judge cum Chief Judicial Magistrate, Theni against the Petitioner/Appellant/Accused on 30.08.2024 in S.C.No.136/2022 and the Petitioner/Appellant/Accused is in prison and prayed to release him on bail till the disposal of the Appeal.

Aggrieved with the Judgment and sentence made by the Trial court, the petitioner/accused/appellant had preferred an appeal before this Court and taken on file in C.A.No.137/2024.

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The petitioner paid the fine amount. Hence the petitioner has filed this petition to suspend the sentence till the disposal of the criminal appeal.

In the result, this petition is allowed and the sentence of imprisonment alone is suspended till the disposal of the appeal, on condition that the petitioner is enlarged on bail on executing a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Assistant Sessions Judge cum Chief Judicial Magistrate, Theni within 30 days from today. Failing, this petition shall stand cancelled automatically.

Pronounced by me in open Court on this the 20th day of September 2024.

**Principal Sessions Judge (i/c),
Theni.**

Copy to :-

1. The Assistant Sessions Judge cum Chief Judicial Magistrate, Theni
2. The Public Prosecutor, Theni.
3. The Petitioner's through his Counsel.
4. The Inspector of Police, Rajathani.
5. The Superintendent of Central Prison, Madurai.