

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, VILLUPURAM

Present: Thiru. A. Manimozhi, B.A., L.L.B.

Principal Sessions Judge, Villupuram.

Saturday the 7th day of December 2024

MP.No.2/2024 in C.A.54/2024

Botharajan S/o. Subrayan

... Appellant /Accused.

/VS/

The SHO,
Vikravandi P.S.,
Cr.No.78/2019.

....Respondent /Complainant.

e-petition filed U/S.430 of B.N.S.S. to suspend the sentence passed by the **Judicial Magistrate, Vikravandi in C.C.No.125/2019, dated 19.06.2024.**

This petition is coming on this day before me for hearing in the presence of Thiru.S.Basker, Chief Legal Aid Defence Counsel for the Petitioner and Thiru.T.S.Subramanian, Public Prosecutor for the state, and upon perusing both side contentions, this court delivered the following:

ORDER

Heard both sides. Perused both side contentions. This **e-petition** has been filed by the petitioner u/s. 430 of BNSS, 2023. The petitioner has stated in his e-petition that the petitioner was convicted for the alleged offence u/s 279 of I.P.C. and sentenced to undergo S.I for 6 months and to pay a fine of Rs.1000/- and the petitioner was convicted for the alleged offence u/s 304(A) of I.P.C. and sentenced to undergo S.I for one year and to pay a fine of Rs.4000/-, and in default to undergo S.I. for one month as per the Judgment passed by the Judicial Magistrate, Vikravandi in C.C.No.125/2019 dated 19.06.2024. Total Fine amount of Rs.5,000/- was paid. Further the learned counsel for the petitioner submitted that he was remanded to judicial custody on 06.09.2024 and now he has preferred appeal before this court and hence the petitioner prayed to suspend the sentence and release him on bail till the disposal of the appeal.

Notice issued to the learned Public Prosecutor. He has stated that he has no counter in allowing this petition.

Heard. Records perused. Total Fine amount of Rs.5,000/- was paid. Considering the facts and circumstances of the case, and also the fact that the right of appeal is available to the petitioner, and also considering that the learned Public Prosecutor has no objection to suspend the sentence and release the Accused on bail, this court is inclined to allow the petition on the following conditions:

1) that the trial court is directed to release the petitioner/accused on his executing a bond for a sum of Rs.10,000/- with two sureties for like sum each to the satisfaction of learned Judicial Magistrate, Vikravandi, till the disposal of Criminal appeal.

2) the petitioner shall appear before this court on 08.01.2025 without fail.

Accordingly, this petition is allowed.

Pronounced by me in open court this the 7th day of December 2024.

Sd/-A.Manimozhi.,
Principal Sessions Judge,
Villupuram.

To
The Judicial Magistrate, Vikravandi.

Copy to

1. The Petitioner's Advocate.
2. The Public Prosecutor, Villupuram.
3. The Inspector of Police, Vikravandi P.S.
4. The Superintendent, Concerned Jail.