

In the Court of Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.  
Vacation Sessions Judge/Principal Sessions Judge,  
Kanniyakumari at Nagercoil.

Thursday, the 16<sup>th</sup> day of May, 2024.

C.C. No. 153/2016 of the Judicial Magistrate Court, Boothapandy.

CrI.M.P. No. 127/2024 in C.A.No. 2/2024

(CNR.No.TNKK0V-000172 -2024)

Simiyon, S/o Varuvel

... Petitioner

/Vs./

The State of Tamil Nadu,  
rep. by the Sub Inspector of Police,  
Boothapandy Police Station,  
through the Public Prosecutor,  
Nagercoil

... Respondent

This petition is filed by Advocate Thiru P. Asokan, u/s 389(i) of Cr.P.C. praying to suspend the sentence imposed on the petitioner in C.C No. 153/2016 of the Court of Judicial Magistrate, Boothapandy by Judgment dated 30.04.2024 till the disposal of appeal.

ORDER

Heard both sides. Perused the petition.

The petitioner seeks suspension of sentence pending disposal of appeal.

It appears that the petitioner has been convicted by the learned Judicial Magistrate, Boothapandy in C.C No.153/2016 by Judgment dated 30.04.2024 and the petitioner was convicted and sentenced to undergo simple imprisonment for three years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for

two months for the offence u/s 380 of IPC.

Fine amount paid by the petitioner.

Aggrieved by the Judgment and conviction, the accused has filed this appeal and this petition to suspend the sentence.

The learned counsel for the petitioner submitted that the petitioner was on bail during trial and he got every chance to win the appeal and the trial court has suspended the sentence till 27.05.2024 and prayed to suspend the sentence.

Considering the fact that the arguable points are available to the petitioner to challenge the conviction, this court is inclined to suspend the substantive sentence alone and the petitioner is ordered to be enlarged on bail with condition.

In the result, the substantive sentence of imprisonment imposed on the petitioner by the lower court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- each with two sureties for a likesum to the satisfaction of the Judicial Magistrate, Boothapandy within two weeks from the date of this order and accordingly this petition is allowed.

On the failure of the petitioner to comply with the above said condition, the suspension granted to him shall stand automatically cancelled.

Appeal stands posted on 18.06.2024.

Pronounced by me in open court this the 16th day of May, 2024.

Vacation Sessions Judge.

To  
The Judicial Magistrate, Boothapandy. (through e-Mode)