

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,

Vacation Sessions Judge, Theni,

Dated this the 15th day of May 2024

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

C.A.No : 02 of 2024

(C. C.No.12/2024 on the file of the Judicial Magistrate, Uthamapalayam)

Mahakumar

... Petitioner/Appellant/Accused

-Versus-

State through the Inspector of Police,

Gudalur South P. S. in

Cr.No.212/2023

... Respondent/Complainant

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

ORDER

This petition filed by the Petitioner U/s.389(1) Cr.P.C. the petitioner prays to suspend the execution of the sentence to undergo three years rigorous imprisonment and to pay fine Rs.5,000/- for the offence U/s.392 r/w 34 of IPC and three years rigorous imprisonment and to pay fine Rs.5,000/- for the offence U/s.120(B) of IPC in default further undergo three months imprisonment passed by the Learned Judicial Magistrate, Uthamapalayam against the Petitioner/Appellant/Accused on 08.04.2024 in C.C.No.12/2024 and enlarged his on bail till the disposal of the appeal.

Aggrieved over 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.02/2024.

Now the petitioner has filed this petition to suspend the sentence till the disposal of the criminal appeal.

..2..

The points for determination is that can the sentence be suspended till the disposal of Criminal Appeal.

Answer :-

The Judgment of the Trial Court and records are perused. As submitted by the Learned Counsel for the petitioner, there are arguable points in the Criminal Appeal. Considering the same the petition is allowed and the sentence of imprisonment alone is suspended till the disposal of pending 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 Learned Judicial Magistrate, Uthamapalayam.

Pronounced by me in open Court on this the 15th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to :-

1. The Judicial Magistrate, Uthamapalayam.
2. The Public Prosecutor, Theni.
3. The Petitioner's through his Counsel.
4. The Inspector of Police, Gudalur South.