

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2015

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1258 of 2015

P.Vadivel
S/o.Palanisamy

.. Petitioner/Accused

vs.

State represented by
Inspector of Police,
Dharapuram Police Station,
Tiruppur District. .. Respondent/Complainant

Criminal Revision filed under Sections 397 and 401 Cr.P.C. against the order of learned III Additional District and Sessions Judge, Tiruppur, Dharapuram, passed in C.M.P.No.26 of 2015 in C.A.No.83 of 2015 on 16.10.2015.

For Petitioner : Mr.J.Stalin

For Respondent : Mr.V.Arul,
Government Advocate [Crl.side]

O R D E R

This revision arises against the order of learned II Additional District and Sessions Judge, Tiruppur, Dharapuram, passed in C.M.P.No.26 of 2015 in C.A.No.83 of 2015 on 16.10.2015.

2. Petitioner faced trial in C.C.No.228 of 2014 on the file of learned Judicial Magistrate, Dharapuram. He was convicted for offence u/s.326 IPC and sentenced to undergo 3 years R.I. and fine of Rs.1,000/- i/d 6 months S.I. Against such finding, petitioner preferred C.A.No.83 of 2015 on the file of learned III Additional District and Sessions Judge, Tiruppur, Dharapuram. Pending appeal, petitioner moved C.M.P.No.26 of 2015 seeking suspension of sentence imposed on him. Appellate Court, under orders dated 16.10.2015, granted the relief of suspension of sentence with certain conditions. One of the conditions imposed by the appellate Court was that the petitioner has to execute a bond in a sum of Rs.10,000/- with two sureties in a like sum. Seeking modification of such condition, the present revision has been filed.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4. Taking into consideration the submissions of learned counsel for petitioner that the petitioner is an indigent person, unable to comply with the conditions imposed by the appellate Court and that the petitioner has been in custody for a period of 19 months, this Court is inclined to modify the order of the appellate Court to the effect that in lieu of executing a bond in a sum of Rs.10,000/- and providing two sureties in a like sum, the petitioner shall be required to execute a personal bond in a sum of Rs.5,000/-. As rightly submitted by learned Government Advocate [Crl.side], the petitioner stands convicted for offence u/s.326 IPC and sentenced to undergo 3 years R.I. and since the petitioner has already been in custody for a period of 19 months, the Court below/appellate Court is directed to dispose of the appeal as expeditiously as possible, preferably, within a period of two months of the receipt of this order.

This Criminal Revision is disposed of with the above direction.

Sd/-
Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To

1.The III Additional District and Sessions Judge,
Tiruppur, Dharapuram.

2.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Stalin, Advocate Sr.66082

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GM[CO]
SRG 10/12/2015