



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fifth day of February Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice V.S.RAVI

CRL MP(MD) No.734 of 2016 IN CRL RC(MD) No.31 of 2016

T. SEKAR

... PETITIONER/PETITIONER

Vs

S. CHOKKALINGAM

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence passed in C.A.No. 76 of 2014 by the II Additional District & Sessions Court, (Fast Track Court), Thanjavur dated 29.06.2015 pending disposal of the above Criminal Revision

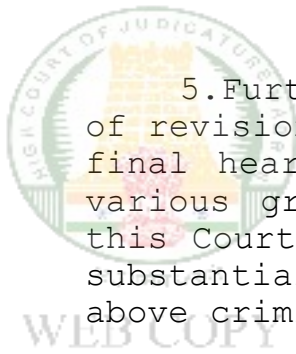
Order : This petition coming on for admission upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.BALASUBRAMANIAN, Advocate for the petitioner and while admitting the Criminal Revision Petition the court made the following order:-

This is an application filed by the petitioner/appellant/Accused to suspend the sentence imposed on him in C.A.No.76 of 2014 by the learned II Additional District and Sessions Judge, Thanjavur.

2.It is specifically stated in the affidavit enclosed with the petition that the petitioner has preferred this revision against the dismissal order of C.A.No.76 of 2014 on the file of the II Additional District and Sessions Court (Fast Track Court), Thanjavur passed on 29.06.2015, confirming the conviction of Trial Court order and compensation of Rs.2.7 lakhs.

3.It is also stated in the affidavit that the petitioner is working as Superintendent in Public Works Department, under Government of Tamil Nadu and also having permanent residential address and he will not evade the condition of this Court, while passing the order of suspension of sentence.

4.On a Perusal of the materials available on records, it is found that there are certain force in the points raised in the grounds of revision. From the submissions made on behalf of the petitioner, this Court finds that there are substantial and arguable points in the present case. Further, it is also seen that if certain stringent conditions are imposed, there is no chance for the accused to abscond. Further, after hearing the main revision alone, the correct and proper finding in the main case can be given.



5.Further, it is seen that various points raised in the grounds of revision require an indepth/threadbare examination at the time of final hearing of the main revision and also on going through the various grounds raised in the grounds of revision at this stage, this Court, in order to prevent aberration of justice, suspends the substantial sentence of imprisonment alone, pending disposal of the above criminal revision, with the following conditions:

i)the petitioner/Appellant/Accused shall be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a likesum to the satisfaction of the Judicial Magistrate, (Fast Track Court), Thanjavur;

ii)the petitioner shall appear before the said Court once in 15 days viz., first working day of the first week and first working day of the third week until further orders, failing which the said Court is directed to inform about the details of failure committed by the petitioner in complying with the said conditions, to the Registry of this Court, forthwith.

iii)the petitioner/Accused No.1 shall furnish his present full details of his residential address along with the copies of the family ration card/Aadhar Card/voter ID card issued by the Election Commission of India and also phone numbers(mobile/landline) if any to the said Court in the form of an affidavit, after serving an advance true copy of the same to the respondent; and

iv)on receipt of the true copy of the said affidavit, the respondent is directed to verify the veracity of the particulars given in the said affidavit and also liberty is granted to respondent to take appropriate follow up action, in accordance with law.

sd/-
05/02/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, (FAST TRACK COURT), THANJAVUR
2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM
3 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE (FAST TRACK COURT), THANJAVUR
4 THE PRINCIPAL SESSIONS JUDGE, THANJAVUR
5 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP (MD) No.734 of 2016 IN
CRL RC (MD) No.31 of 2016
Date :05/02/2016