

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.10006 of 2017

IN CRL RC.1058/2017

MALARKODI,

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS,
THE SUB INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
VELLORE DISTRICT
CR.NO.46 OF 2011.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC.No.1058 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence and conviction imposed by the III Additional Sessions Judge, Vellore @ Tirupathur vide its order dated 10.07.2017 made in C.A.No.30 of 2014 which confirmed the judgment dated 28.05.2011 passed by the Learned Judicial Magistrate No.I, Tirupathur in C.C.No.47 of 2011 till the disposal of the above CRL.RC.Petition and enlarged him on bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1058 of 2017 on the file of the High Court and upon hearing the arguments of M/S.V.R.APPASWAMEE, Advocate for the petitioner and of MR. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence and conviction imposed by the learned III Additional Sessions Judge, Vellore @ Tirupathur vide its order dated 10.07.2017 made in C.A.No.30 of 2014 which confirmed the judgment dated 28.05.2011 passed by the learned Judicial Magistrate No.I, Tirupathur in C.C.No.47 of 2011. The trial Court has convicted the petitioner for six months simple imprisonment and Rs.500/- fine for the offence under Section 325 and 294(b) of IPC respectively.

2. It is the specific case of the petitioner that the petitioner has not used any weapon and even according to the prosecution, the petitioner allegedly beaten the P.W.1 by hand. It is also the case of the petitioner that in fact, the petitioner sustained injuries and for the said injuries the petitioner had also

been treated at hospital. These aspects had not been considered by both trial Court as well as the appellate Court. Therefore, the learned counsel for the petitioner submits that there are arguable points available for the petitioner against the conviction which has been confirmed by the appellate Court.

3. Considering the above said facts and circumstances and considering the fact that the petitioner also allegedly sustained injuries and for which she had taken treatment which has also been deposed/confirmed before the Courts below and considering the petitioner being a lady, this Court is inclined to consider the suspension of sentence alone to release the petitioner on bail.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is released on bail on the following conditions :-

(i) the petitioner shall execute 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 learned Judicial Magistrate No.1 Court, Vridhachalam within a period of two weeks from the date of the receipt of a copy of this Order and also

(ii) the petitioner shall appear before the trial Court on the first working day of every calender month at 10.30 a.m., until further orders.

-sd/-
10/08/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE III ADDITIONAL SESSIONS
JUDGE, VELLORE @ TIRUPATHUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
VELLORE DISTRICT

C.C. to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges

Order

in
CRL MP.10006/2017

in
CRL RC.1058/2017

Date :10/08/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
THS : 10.08.2017