

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.10441 of 2017

IN CRL RC.1105/2017

GOTHANDARAMAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
VAIDHEESWARAN KOIL POLICE STATION,
NAGAPATTINAM DISTRICT.
CR.NO. 261 OF 2005.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence imposed on the petitioner herein by the Sessions Judge, Sirkali in C.A.No.87 of 2011 dated 15.03.2017 confirming the order in C.C.No.94/2006, Judicial Magistrate, Sirkali pending disposal of the above Crl.R.C.No.1105 of 2017.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.M.VIJAYAN ASSOCIATE, Advocate for the petitioner and of MR. C.IYYAPPARAJ, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence imposed against the petitioner in the judgment dated 15.03.2017 made in C.A.No.87 of 2011 on the file of the learned Sessions Judge, Nagapattinam confirming the judgment dated 16.12.2011 made in C.C.No.94 of 2006 on the file of the learned Judicial Magistrate, Sirkali.

2. The petitioner is the first accused in C.C.No.94 of 2006 on the file of the learned Judicial Magistrate, Sirkali. By the judgment dated 16.12.2011, the trial Court had convicted this petitioner along with A3 for the offence under Section 394 of IPC and sentenced them to undergo simple imprisonment for three years each and to pay fine of Rs.5,000/- each in default of which, to undergo three months simple imprisonment each. However, the trial Court acquitted the second accused as the charges framed against him have not been proved.

3. It is brought to the notice of this Court by the learned counsel for the petitioner that as against the judgment though an

appeal was filed, the appellate Court has confirmed the said judgment by judgment dated 15.03.2017. Against the said conviction as confirmed by the first appellate Court, this present revision has been filed.

4. The learned counsel for the petitioner would also submit that as against the said conviction, the third accused has already filed CrI.R.C.No.546 of 2017 before this court, wherein, this Court by order dated 13.04.2017, has suspended the substantive sentence imposed against the third accused, who was the petitioner in that revision.

5. I have heard, Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent also

6. Considering the fact that out of the two accused i.e, A1 and A3, in respect of A3 sentence has already been suspended as referred above and since the grounds urged before this Court as against the said conviction would be one and the same, and the petitioner(A1) and A3 have been convicted on the same ground and the sentence of A3 has already been suspended and it is also brought to the notice of this Court that the petitioner is in jail from 20.06.2017, this Court is inclined to entertain the suspension of sentence alone and release the petitioner on bail.

7. Accordingly, the substantive sentence of imprisonment imposed against the petitioner 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, Sirkali and also

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

-sd/-
21/08/2017

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,
SIRKALI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAIDHEESWARAN KOIL POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE SESSIONS JUDGE,
NAGAPATTINAM

6 THE SUPERINTENDENT,
CENTREL PRISON, TRICHY.

C.C. to M/S.K.M.VIJAYAN ASSOCIATE Advocate on payment of
necessary charges Sr.15874

Order

in
CRL MP.10441/2017

in
CRL RC.1105/2017

Date :21/08/2017

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rvr 29/08/2017