

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.10824 of 2017

IN CRL RC.1140/2017

VIJAY

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
PALLAPATTI POLICE STATION,
SALEM DISTRICT
CR.NO.532 OF 2010.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased To suspend the sentence imposed on the petitioner by judgment dated 07.03.2016 by the Judicial Magistrate No.II, Salem in C.C.No.163 of 2016, confirmed by the II Additional District and Sessions Judge, Salem in C.A.No.14 of 2017 by judgment dated 23.06.2017, pending disposal of the Criminal Revision Petition before this Honble Court.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.B.VASUDEVAN, Advocate for the petitioner and of PUBLIC PROSECUTOR, on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence imposed against the petitioner by judgement dated 07.03.2016 by the learned Judicial Magistrate No.2, Salem in C.C.No.163 of 2016, confirmed by the learned II Additional District and Sessions Judge, Salem in C.A.No.14 of 2017 by judgment dated 23.06.2017.

2. Mr.B.Vasudevan, learned counsel appearing for the petitioner would submit that during the trial, as a pre-trial prisoner, the petitioner had been in jail from 19.04.2010 to 05.10.2010 and from 08.04.2014 to 13.05.2014. That apart after the sentence was imposed by the trial Court, at the time of filing appeal before the first appellate Court, he had been sent to jail for further period of three months. Therefore, the learned counsel appearing for the petitioner submits that the petitioner had been in jail for about ten months.

3. I have considered the said aspect and also the further submission made by the learned counsel for the petitioner. Since some arguable points are available in this revision case, which can be considered only at the time of final hearing of the above

case and also considering the fact that the petitioner had been in jail, as pre-trial prisoner and also subsequent to the conviction, for about ten months, the following order is passed at this juncture to meet the ends of justice:-

The substantive sentence imposed against the petitioner by the trial Court as confirmed by the first appellate Court is alone suspended on condition that 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 Court No.2, Salem within a period of two weeks from the date of the receipt of a copy of this order.

-sd/-

05/09/2017

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,
COURT NO.2, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE, PALLAPATTI POLICE
STATION, SALEM DISTRICT

C.C. to M/S.B.VASUDEVAN Advocate on payment of necessary charges

Order

in

CRL MP.10824/2017

in

CRL RC.1140/2017

Date :05/09/2017

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EGR 11/09/2017