

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble DR. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.12319 of 2017

IN CRL RC.1270/2017

S.RANJITH,

[PETITIONER]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE SUB INSPECTOR OF POLICE, N-4 FISHING
HARBOUR POLICE STATION, NEW WASHERMENPET,
CHENNAI (N.4.CR.NO.1102 OF 2015)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.R.C.No.1270/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the petitioner by a judgment dated 30.08.2017 passed in C.A.No.50 of 2017 by the XV Additional Session Judge, Chennai confirming the judgment dated 31.01.2017 in C.C.No.1360 of 2015 passed by the XVI Metropolitan Magistrate, George Town, Chennai release the petitioners on bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.R.C.No.1270/2017 on the file of the High Court and upon hearing the arguments of M/S.P.PRINCE PREMKKUMAR, Advocate for the petitioner and of MR.K. MADHAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Petitioner was convicted by the trial Court for the offence under Section 341 IPC and sentenced to undergo one month simple imprisonment; also convicted for the offence under Section 294 (b) of IPC and sentenced to undergo one month simple imprisonment and he was also convicted for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo one month simple imprisonment. In the appellate Court, the conviction and

sentence for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act was confirmed and the conviction and sentence for the offence under Sections 294(b) and 341 IPC were set aside. Challenging the same, the petitioner has filed the present Criminal Revision Case and pending revision, he has filed this Criminal Miscellaneous Petition.

2. Learned counsel for petitioner would submit that there are several infirmities and illegalities found in the prosecution case. It is further contended that there are contradictions in the material particulars in the evidence of the prosecution witnesses. Learned counsel has also submitted that the fine amount, as ordered by the Court below has been paid by the petitioner herein / sole accused.

3. Heard the learned counsel for the petitioner and Mr.K.Madhan, learned Government Advocate (Criminal Side) for the respondent.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the revision and the fine amount has been paid by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned XVI Metropolitan Magistrate, George Town, Chennai and on further condition that the petitioner shall appear before the said learned Magistrate on the first working day of every English Calendar month at 10.30 a.m., pending disposal of the revision.

-sd/-
03/10/2017

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 XVI METROPOLITAN
MAGISTRATE, GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE SUB INSPECTOR OF POLICE,
N-4 FISHING HARBOUR POLICE STATION,
NEW WASHERMENPET, CHENNAI

+2 C.C. to M/S.P.PRINCE PREMKKUMAR Advocate on payment of
necessary charges Sr.NO.18816

Order
in
CRL MP.12319/2017
in
CRL RC.1270/2017

Date :03/10/2017

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MD: 05/06/2017