

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.12730 of 2017

IN CRL RC.1311/2017

DHANDAPANI

[PETITIONER]

Vs

STATION HOUSE OFFICER,
REDDICAVADI POLICE STATION,
PUDUCHERRY.
CR.NO. 110 OF 2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1311/17 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the judgement dated 22.08.2017 made in Crl.A.No.54 of 2016 passed by the Learned I Additional District and Sessions Judge at Cuddalore by confirming the conviction and reducing the sentence imposed by the judgement dated 12.05.2016 made in C.C.No.47 of 2013 passed by the learned Judicial Magistrate No.II, Cuddalore.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1311/17 on the file of the High Court and upon hearing the arguments of M/S.A.AMARNATH, Advocate for the petitioner the court made the following order:-

The petitioner/accused was found guilty by the trial court/Judicial Magistrate No.2, Cuddalore, in C.C.No.47 of 2013 and has been convicted and sentenced under the respective offences, which are tabulated as hereunder:

Convicted under the Offence	Sentenced
U/s.279 IPC	to undergo 6 months simple imprisonment and to pay a fine of Rs.500/-.
U/s. 304(A) IPC	to undergo 1 year months rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 1 month simple imprisonment. Total fine amount Rs.1500/-.

Against the conviction and sentence passed by the trial court, the accused as appellant has filed Criminal Appeal No.54 of 2016 on the file of I Additional District and Sessions Court at Cuddalore, wherein, the conviction and sentence was partly allowed by judgment dated 22.08.2017 on the following terms:-

Convicted under the Offence	Partly modified sentence by appellate court
U/s.279 IPC and 304(A) IPC	Confirmed.
Sentence of imprisonment for the offence u/s.279 IPC.	Set aside.
Fine amount imposed	Confirmed.
Conviction for the offence u/s.304(A).	Confirmed.
Sentence of imprisonment	Reduced to simple imprisonment for three months
Fine amount	Confirmed.

Challenging the same, the Revision Petitioner/accused has filed the present Criminal Revision Case and pending Revision, he has filed Crl.M.P.Nos.12730 of 2017 seeking to suspend the sentence of imprisonment.

2. Notice to respondent returnable by four weeks in addition to private service.

3. The learned counsel appearing for the Revision 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. Further, the learned counsel for the petitioner submits that there are arguable points involved in this revision and therefore, pending disposal of the Criminal Revision Petition, he prayed for suspending the sentence imposed on the petitioner.

4. Considering the facts and circumstances of the case that the petitioner has paid the fine amount and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the revision, 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 for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Cuddalore, 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/-
12/10/2017

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 JUDICIAL MAGISTRATE,
NO.II, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

4 STATION HOUSE OFFICER,
REDDICAVADI POLICE STATION, PUDUCHERRY.

5 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT CUDDALORE.

C.C. to M/S.A.AMARNATH Advocate on payment of necessary charges
Sr.19497

Order

in
CRL MP.12730/2017

in
CRL RC.1311/2017

Date :12/10/2017

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rvr 06/11/2017