

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of October Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.13321 of 2017

IN CRL A.675/2017

1 M.KARUPAYEE
2 M.ANJALAI
3 P.ARUMUGAM

[ACCUSED-2 TO 4 / APPELLANTS]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR DISTRICT
CR.NO.07 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.675/2017 on the file of the High Court, the High Court will be pleased to suspend the execution of section 294(B) of IPC sentencing them to undergo simple imprisonment of 3 months and order pay Rs.1000/- default to undergo simple imprisonment for 1 months, section 506(i) of IPC sentencing him to undergo simple imprisonment of 2 years and order pay Rs.3000/- default to undergo simple imprisonment of 6 months, imposed by the Sessions Mahila Court, Perambalur, in S.C.17/2015 and to enalrge the appellant on Bail, pending disposal of this Appeal No.675 of 2017. [IN CRL.MP.NO.13321 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.675/2017 on the file of the High Court and upon hearing the arguments of M/S.T.DHARANI, Advocate for the petitioner and of MR. V.ARUL ADDITIONAL PUBLIC PROSECUTOR (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioners/appellants who are arrayed as A2 to A4 in Spl. S.C. No.17/15 on the file of Mahila Court, Perambalur were convicted and sentenced for the respective offences, which are tabulated as hereunder :

<i>Convicted under the Offence</i>	<i>Sentenced</i>
U/s.294 (b), IPC	to undergo simple imprisonment for three months and to pay a fine of Rs.1000/- each in default to undergo simple imprisonment for one month each
U/s.506 (i), IPC	to undergo simple imprisonment for two years and to pay a fine amount of Rs.3,000/- each in default to undergo simple imprisonment for six months each

The trial Court ordered the sentences imposed on A2 to A4 to run concurrently.

2. Against the said conviction and sentence passed by the trial Court petitioners / A2 to A4 have filed the present Criminal Appeal and pending Appeal, they have filed Crl. M.P. No.13321 of 2017 seeking to suspend the sentence of imprisonment and release them on bail.

3. Heard the learned counsel for the petitioners and Mr.V.Arul, learned Addiitonal Public Prosecutor (Criminal Side) takes notice for the State.

4. Learned counsel for petitioners would submit that the charges have not been framed as contemplated under Criminal Procedure Code and the charges were vague and not self-explanatory. It is further contended that there is no specific charge against petitioners / appellants under Sections 294 (b), 506(i)IPC. Further the learned counsel for the petitioners submits that there are arguable points involved in this appeal and therefore, pending disposal of the Criminal Appeal, he prayed for suspending the sentence imposed on the petitioners.

5. Considering the above submission and taking into consideration the above facts and circumstances of the case this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of Imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that the petitioners 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 Mahila Court, Perambalur, and on further condition that the petitioners shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., pending disposal of the appeal.

-sd/-
31/10/2017

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 SESSIONS JUDGE,
MAHILA COURT, PERAMBALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR DISTRICT

+1C.C. to M/S.T.DHARANI Advocate on payment of necessary
charges SR NO.20156

Order

in
CRL MP.13321/2017

in
CRL A.675/2017

Date :31/10/2017

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MK:07/11/2017