

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.14445 of 2017

IN CRL RC.1451/2017

K.BALAKRISHNAN,

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
PARAMATHY POLICE STATION,
PARAMATHY VELUR,
NAMAKKAK DISTRICT DISTRICT
CR.NO.416 OF 2013.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1451/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in C.A.No.3 of 2017 by the Sessions (Fast Track Mahila) Judge, dated 31.10.2017 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision No.1451 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1451/2017 on the file of the High Court and upon hearing the arguments of MR.R.THAMARAI SELVAN Advocate for the petitioner and of MR.V.ARUL ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner faced trial in C.C.No.60 of 2004 on the file of learned Judicial Magistrate, Paramathi. Under judgment dated 07.12.2016, the trial Court convicted and sentenced the petitioner / appellant under the offence that is tabulated as hereunder:-

<i>Convicted under the Offence</i>	<i>Sentenced</i>
Under Section 337 IPC (Four counts)	to pay a fine of Rs.700/- each, in default to undergo simple imprisonment for one month.
Under Section 338 IPC (three counts)	to pay a fine of Rs.800/- each, in default to undergo simple imprisonment for one month.

<i>Convicted under the Offence</i>	<i>Sentenced</i>
Under Section 304 A IPC	to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one month.
Under Section 279 IPC	to pay a fine of Rs.500/- in default to undergo simple imprisonment for one month.

2. The conviction and sentence imposed by trial Court was modified by the learned Sessions (Fast Track Mahila) Judge, Namakkal, under judgment, dated 31.10.2017, under the offence that is tabulated as hereunder:-

<i>Convicted under the Offence</i>	<i>Sentenced</i>
Under Section 337 IPC (Four counts)	to pay a fine of Rs.700/- each, in default to undergo simple imprisonment for one month stands confirmed.
Under Section 338 IPC (three counts)	to pay a fine of Rs.800/- each, in default to undergo simple imprisonment for one month stands confirmed.
Under Section 304 A IPC	to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one month stands confirmed.
Under Section 279 IPC	to pay a fine of Rs.500/- in default to undergo simple imprisonment for one month was set-aside and ordered to refund the fine amount collected.

2.1. As against the conviction and sentence, the petitioner seeks suspension of sentence.

3. The learned counsel for petitioner / appellant / accused submits that there are several infirmities and inconsistencies in the prosecution case. It is contended that there are contradictions in material particulars in the evidence of the prosecution witnesses.

4. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

5. Taking into consideration the submissions of learned counsel for petitioner and that the revision is not likely to be taken up for final hearing, in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner herein is directed to be enlarged on bail

on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- each (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned Judicial Magistrate, Paramathi, and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

-sd/-

20/11/2017

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,
PARAMATHI

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
PARAMATHY POLICE STATION,
PARAMATHY VELUR, NAMAKKAK DISTRICT DISTRICT

5 THE SESSIONS [FAST TRACK
MAHILA] JUDGE, NAMAKKAL

+1 C.C. to M/S.R.THAMARAISELVAN Advocate on payment of
necessary charges SR.NO. 21241

Order

in
CRL MP.14445/2017

in
CRL RC.1451/2017

Date :20/11/2017

From 7.2.2001 the Registry is issuing certified
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RD 27/11/2017