

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.3739 & 3740 of 2017

IN CRL RC.404/2017

KUMAR @ STEPHENRAJ

[PETITIONER IN BOTH PETITIONS]

Vs

THE INSPECTOR OF POLICE,

[RESPONDENT IN BOTH PETITIONS]

NEYVELI THERMAL POLICE STATION,

CR.NO.33 OF 2014

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) suspend the sentence imposed on the petitioners in CA.No.101 of 2016 dt.13/02/2017 confirming the judgment passed by the learned District Munsif cum Judicial Magistrate, Neyveli in STC.No.729 of 2014 dt.05/11/2016 convicting U/s.294(b),448 of I.P.C., and sentencing this petitioner to undergo S.I. For the offence U/s.448 of I.P.C., and one month S.I. For the offence U/s.294 (b) of I.P.C. and release the petitioner once for all in a full fledged manner pending disposal of the above CRL MP.NO.3739 OF 2017

(ii) exempt the petitioner from surrendering before learned III Additional District and Sessions Judge in CA.No.101 of 2017 dt.13/02/2017 confirming the judgment passed by the learned District Munsif cum Judicial Magistrate, Neyveli in STC.No.729 of 2014 dt.05/11/2016 pending disposal of the above CRL MP.NO.3740 OF 2017

Order : These petitions coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.N.RAMESH, Advocate [IN BOTH PETITIONS] for the petitioner and of PUBLIC PROSECUTOR on behalf of the Respondents the court made the following order:-

Petitioner was convicted for an offences under Section 294(b) and 448 of IPC and sentenced to undergo simple imprisonment for one month for the offence u/s.294(b) and to undergo simple imprisonment for two months for the offence u/s.448 of IPC by learned District Munsif cum Judicial Magistrate, Neyveli under judgment dated 05.11.2016 in S.T.C.No.729 of 2014. Challenging the same, petitioner preferred an appeal in C.A.No.101 of 2016 on the file of learned III Additional District and Sessions Judge, Cuddalore at Vridhachalam, which came to be dismissed under judgment dated 13.02.2017. Against such finding, the present revision has been filed.

2.Challenging the above said conviction and sentence, the present revision has been filed along with the petitions for suspension of sentence and exemption from surrendering before the trial court.

3.Heard Mr.N.Ramesh, learned counsel for the petitioner and Mr.R.Ravichandran, learned Governmnet Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

4. I have considered the submissions made and perused the materials available on record and I find some arguable points in the revision. It is a dispute between husband and wife regarding custody of child. In the above circumstances, I am inclined to suspend the substantive sentence alone. Accordingly, pending appeal, sentence of imprisonment alone is suspended and the petitioner is released on bail on executing 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 District Munsif cum Judicial Magistrate, Neyveli with further condition that he shall appear before the said court on the first working day of every month at 10.30 a.m.,until further orders. The surrender of the petitioner before the trial Court is exempted.

-sd/-
10/03/2017

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEYVELI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE III ADDITIONAL SESSIONS JUDGE,
CUDDALORE AT VRIDHACHALAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NEYVELI THERMAL POLICE STATION,

+2 C.C. to M/S.N.RAMESH Advocate on payment of necessary charges
SR.NO.4689,4690

Order

in
CRL MP.3739 & 3740/2017

in
CRL RC.404/2017

Date :10/03/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

PTI-16/03/2017