

Crl.M.P.Nos.7029 & 7468 of 2017
in
Crl.R.C.No.763 of 2017
V.BHARATHIDASAN, J.,

The petitioners/A1 & A2, seek suspension of their sentence of imprisonment in Crl.M.P.No.7029 of 2017 and exemption from surrendering before the trial court in Crl.M.P.No.7468 of 2017.

2. The petitioners/A1 and A2 and the other accused(A3 and A4) faced trial in SMMF.No.1 of 2010 on the file of the XX Metropolitan Magistrate Court, Rippon Building, Chennai and the trial Court, by a judgment dated 06.05.2016, convicted A1 to A4 under Section 16(1)(a)(i) of Prevention of Food Adulteration Act and sentencing them to undergo simple imprisonment for 3 months each and to pay a fine of Rs.1000/- each, convicting the petitioners/A1 and A2 under Section 16(1)(a)(i) for the offence of 7(ii)(v) r/w. Section (ix)(k) to undergo simple imprisonment for 3 months each, and to pay a fine of Rs.1000/- each, convicting A3 and A4 under Section 16(1)(a)(i) for the offence of 7(ii)(v) r/w. Section (ix)(k) to undergo simple imprisonment for 3 months each, and to pay a fine of rs.1000/- each and convicting A3 and A4 Rule 50(1) to undergo simple imprisonment for 3 months each and to pay a fine of Rs.1000/-.

3. Challenging the above said conviction and sentence, the petitioners/A1 & A2 and other accused preferred an appeal in C.A.No.194 of 2016 on the file of the XIX Additional Sessions Court, City Civil Court, Chennai and the lower appellate court confirmed the conviction and sentence and dismissed the appeal, by a judgment dated 17.04.2016.

4. Challenging the same, the present revision has been filed along with these petitions for suspension of sentence and exemption from surrendering before the trial court.

5. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials available on record.

V.BHARATHIDASAN, J.,

mrp

6. Taking into consideration of the submission of the learned counsel appearing for the petitioners, since there are some arguable points involved in the revision, I am inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, pending revision, **substantive sentence of imprisonment alone is suspended** and the petitioners are released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the XX Metropolitan Magistrate, Rippon Building, Chennai, with further condition that they 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 petitioners before the trial Court is exempted.

16.06.2017

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