

Crl.M.P.Nos.7161 & 7163 of 2017**in****Crl.R.C.No.782 of 2017****V.BHARATHIDASAN, J.,**

The petitioner seeks suspension of his sentence of imprisonment in Crl.M.P.No.7161 of 2017 and exemption from surrendering before the trial court in Crl.M.P.No.7163 of 2017.

2. The petitioner faced trial in E.O.C.C.No.169 of 1997 on the file of the Additional Chief Metropolitan Magistrate, E.O.-II, Egmore, Chennai and the trial Court, by a judgment dated 10.03.2008, convicted the petitioner/accused for the offences under Sections 120-B, 420, 467, 468 and 471 IPC and Section 132 of Customs Act 1962 and Rule 14 of Export Control Order r/w. Rule 5 of Imports and Exports Control Act, 1947 and sentenced him to undergo rigorous imprisonment for two years for each of the offences and to pay a fine of Rs.1000/-, in default, to undergo rigorous imprisonment for two months for each of the offences under Sections 120-B, 420, 467, 468 and 471 IPC and Rule 14 of Export Control Order r/w. Rule 5 of Imports and Exports Control Act, 1947 and acquitted him from the offence under Section 132 of Customs Act 1962. The trial Court ordered the sentences to run concurrently.

3. Challenging the above said conviction and sentence, the petitioner preferred an appeal in C.A.No.111 of 2008 on the file of the Principal Sessions Court, Chennai and the lower appellate court confirmed the conviction, however, modified the sentence into rigorous imprisonment for one year for each of the offences, by a judgment dated 28.03.2017.

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.

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5. The learned counsel appearing for the petitioner submits that even though the trial Court disbelieved the evidence of prosecution, acquitted the accused under Section 132 of Customs Act 1962, convicted the accused under Sections Indian Penal Code without any evidence.

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

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

8. Accordingly, pending revision, **substantive sentence of imprisonment alone is suspended** and the petitioner is released on bail on his 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 Additional Chief Metropolitan Magistrate, E.O.-II, Egmore, Chennai, 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.

12.06.2017

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