

Crl.M.P.Nos.7270& 7272 of 2017

in

Crl.R.C.No.794of 2017

V.BHARATHIDASAN, J.,

The petitioner seeks suspension of his sentence of imprisonment in Crl.M.P.No.7270 of 2017 and exemption from surrendering before the trial court in Crl.M.P.No.7272 of 2017.

2. The petitioner faced trial in C.C.No.7770 of 2010 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and the trial Court, by a judgment dated 05.07.2016, convicted the petitioner/accused for the offences under Sections 420, 468 and 471 r/w.465 IPC and sentenced him to undergo rigorous imprisonment for 6 months and to pay a fine of Rs.1000/-, in default, to undergo, simple imprisonment for 4 weeks for the offence under Section 420 IPC and to undergo rigorous imprisonment for one year and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for 8 weeks for the offence under Section 468 IPC and to undergo rigorous imprisonment for one year for the offence under Section 471 r/w.465 IPC. 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.218 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 17.04.2017.

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 the petitioner has obtained a credit card from the complainant's bank by producing genuine documents through P.W.5, who has committed alleged forgery, and he is not aware of it.

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 her 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 XI Metropolitan Magistrate, Saidapet, Chennai, with further condition that she 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.

14.06.2017

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