

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of June Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.7490 & 7992 of 2017

IN CRL RC.816/2017

MUDIYAPPAN

[PETITIONER]

Vs

1 THE STATION HOUSE OFFICER
RAMANATHAM P.S
CR.NO.54/2007.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to

(i) To suspend the execution of the sentence in Crl.A.No.47 of 2016 passed by III Addl. District and Sessions Court, Vridhachalam, dated 20-10-2016, in favor of the judgment in CC.No.92 of 2007, passed by the district munsif cum judicial Magistrate, Thittagudi, dated 25-04-2016 and enlarge the petitioner on bail pending disposal of the above CRL R.C.No.816/2017. (CRL M.P.No.7490/2017)

(ii) to exempt the petitioner from surrendering before the District Munsiff Cum Judicial Magistrate, Thittagudi in C.C. No.92/2007 by order dated 25-04-2016, CRL R.C.No.816/2017. (CRL M.P.No.7992/2017)

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.MOORTHY, Advocate for the petitioner and of MR.R.RAVICHANDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner seeks suspension of his sentence of imprisonment, in Crl.M.P.No.7490 of 2017 and exemption from surrendering before the trial court in Crl.M.P.No.7992 of 2017.

2. The petitioner faced trial in C.C.No.92 of 2007 on the file of the District Munsif cum Judicial Magistrate, Thittagudi and the trial Court, by judgment dated 25.04.2016, convicted the petitioner/accused for the

offences under Sections 279, 337(6 counts), 338 and 304(A) (3 counts) of IPC and that accordingly he was convicted under Section 255(2) of Cr.P.C for the charges u/s 279,337 (6 counts), 338 & 304(A)(3 counts) of IPC and he was sentenced to undergo simple imprisonment for a period of 2 months and also to pay a fine of Rs.1000/- in default of which, to undergo simple imprisonment for a period of 1 month under Section 279 of IPC, and he was sentenced to undergo imprisonment for 2 months for each count and also to pay a fine of Rs.500/- for each count and in default of which, to undergo simple imprisonment for a period of 1 month for each count for offences under Section 337 of IPC (6 counts) and to undergo imprisonment for 6 months and also to pay a fine of Rs.1000/- in default to undergo simple imprisonment for a period of 1 month for offences under Section 338 of IPC, and to undergo simple imprisonment for the period of 2 years and also to pay a fine of Rs.5000/- in default of which, to undergo simple imprisonment for a period of 1 month for offences u/s.304 (A) of IPC (3 counts). The above said substantial periods of imprisonment were ordered to run concurrently.

3. Challenging the above said conviction and sentence, the petitioner preferred an appeal in C.A.No.47 of 2016 before the III Additional District and Sessions Judge, Cuddalore at Vrindhachalam and the appellate court dismissed the appeal thereby confirming the conviction and sentence imposed by the trial court by judgment dated 20.10.2016.

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.

6. Taking into consideration of the submission of the learned counsel appearing for the petitioner, since there are some arguable points involved in the revision and that the final hearing of the revision petition could not be taken up immediately, I am inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, pending revision, substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be 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

District Munsif cum Judicial Magistrate, Thittagudi, 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. The miscellaneous petitions are ordered accordingly.

-sd/-
28/06/2017

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 III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, CUDDALORE AT
VIRUDHACHALAM

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THITTAKUDI

3 THE STATION HOUSE OFFICER
RAMANATHAM P.S

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS

+2 C.C. to M/S.K.MOORTHY Advocate on payment of necessary charges SR.NO. 11935, 11936

Order

in
CRL MP.7490 & 7992 /2017

in
CRL RC.816/2017

Date :28/06/2017

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