

Crl.M.P.Nos.8051 & 8052of 2017
in
Crl.R.C.No.861 of 2017

V.BHARATHIDASAN, J.,

The petitioner seeks suspension of his sentence of imprisonment in Crl.M.P.No.8051 of 2017 and exemption from surrendering before the trial court in Crl.M.P.No.8052of 2017.

2. The petitioner faced trial in C.C.No.5 of 2012 on the file of the Judicial Magistrate No.II, Poonamallee and the trial Court, by a judgment dated 31.12.2015, convicted the petitioner/accused for the offence under Section 354 I.P.C. and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.2000/- and acquitted him from the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

3. Challenging the above said conviction and sentence, the petitioner preferred an appeal in C.A.No.9 of 2016 on the file of the Principal District and Sessions Court, Thiruvallore and the lower appellate court confirmed the order of conviction, however modified the sentence to simple imprisonment for 6 months and also confirmed the fine amount imposed by the trial court, by a judgment dated 10.04.2017.

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.

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

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6. The learned counsel appearing for the petitioner submits that the occurrence said to have taken place on 09.03.2011, but complaint has been filed only on 11.06.2011, after lapse of 3 months and there is no proper explanation for the delay in filing the complaint and the Court below without considering the same, erroneously convicted the petitioner.

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 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 Judicial Magistrate No.II, Ponamallee, 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.

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29.06.2017
(2/2)

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