

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION Nos.9223 & 13923 of 2017

IN CRL RC.983/2017

ANBUSIVAM,

[PETITIONER/APPELLANT IN BOTH THE
PETITIONS]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KAMMAPURAM POLICE STATION,
VRIDHACHALAM.

[RESPONDENT IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.983 of 2017 on the file of the High Court, the High Court will be pleased to

(1) suspend the execution of sentence imposed on the petitioner in Crl.A No.32 of 2017 before the III rd Addl.District & Sessions Judge, Cuddalore dated 01.07.2017, pending disposal of the above CRL.RC.No.983/2017. (CRL.MP.9223/2017)

(2) stay the execution of non bailable warrant issued by the Judicial Magistrate No.2, Vridhachalam by granting relief of exempting the petitioner from surrender in Crl.A.No.32 of 2017 before the Judicial Magistrate No.2, Vridhachalam till the disposal of petition to suspend the execution of sentence in Crl.MP.No.9223 of 2017. (CRL.MP.13923/2017)

Order : These petitions coming on for orders upon perusing the petition and Memorandum of Grounds in Crl.RC.NO.983 of 2017 On the file of the High Court and upon hearing the arguments of M/S.J.PRAVEEN, Advocate for the petitioner (IN BOTH THE PETITIONS) AND OF MR.V.ARUL, ADDL. PUBLIC PROSECUTOR for the Respondent, (IN BOTH THE PETITIONS) the court made the following order:-

The Criminal Revision has been filed by the petitioner/accused, who was found guilty and convicted under Section 304 (A) IPC and sentenced to undergo rigorous imprisonment for a period of two years by the learned Judicial Magistrate No.II, Vridhachalam. Against the said conviction and sentence, the accused filed Criminal Appeal No.32 of 2017 before the III Additional District & Sessions Judge, Cuddalore, wherein, the conviction and sentence passed by the trial

court was confirmed. Hence, the petitioner seeks suspension of sentence by filing Crl. M.P. No.9223 of 2017 and Crl. M.P. No.13923 of 2017 has been filed by the petitioner to stay the execution of the non-bailable warrant issued by Judicial Magistrate No.II, Vridhachalam and exempt him from surrender in C.A. No.32 of 2017 till disposal of Crl. M.P. No.9223 of 2017.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondent.

3. Taking into consideration the submissions made by the learned counsel for petitioner and further the fact that criminal revision is not likely to be taken up for final hearing in the near future and considering the grounds of revision, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned Judicial Magistrate No.II, Vridhachalam, and on further condition that petitioner shall appear before the said Court on the first working day of every month, at 10.30 a.m., pending the criminal revision case. In view of the order passed above, no further order is required to be passed in Crl. M.P. No.13923 of 2017 and, accordingly, the said petition is closed.

5. Post the criminal revision case in the usual course.

-sd/-
08/11/2017

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, ADDL. DISTRICT AND SESSION
JUDGE, CUDDALORE

2 THE PRINCIPAL SESSIONS JUDGE
CUDDALORE. [FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE,
NO.2, VRIDHACHALAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KAMMAPURAM POLICE STATION,
VRIDHACHALAM.

C.C. to M/S.J.PRAVEEN Advocate on payment of necessary charges

Order

in
CRL MP.Nos.9223 & 13923/2017

in
CRL RC.983/2017

Date :08/11/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 13.11.2017