

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.10223 of 2018

IN CRL RC.899/2018

1 ARUMUGAM, [PETITIONERS]
2 NARAYANAN,
3 ELUMALAI,
4 ASHOK,
5 ASOTHAI,
6 TAMIZHARASI,
7 ELUMALAI,

Vs

THE STATE, [RESPONDENT]
THE INSPECTOR OF POLICE,
TIRUKOILUR POLICE STATION,
TIRUKOILUR.
CR. NO. 197 OF 2005.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the petitioners in C.A.No. 67 of 2013 On the file of the Court of Additional Sessions Judge, (Fast Track Court) Villupuram, order dated 09.07.2018 and enlarge the petitioners on bail, pending disposal of the above Crl.R.C. No.279 of 2014.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.S.RAMESH KUMAR, Advocate for the petitioner and of M/S.S.THANKIRA, Govt. Advocate (Crl. Side), on behalf of the Respondents the court made the following order:-

The petitioners were accused in S.C.No.154 of 2010 on the file of the Principal Subordinate Court, Villupuram and they were convicted and for the offences under Section 148 and 341, A1 to A7 were sentenced to undergo 2 years R.I and one month S.I.; for the offence u/s.294(b) IPC, A1 and A2 were sentenced to undergo 3 months S.I.; for the offence u/s.323 IPC, A5 to A7 were sentenced to

undergo 1 year R.I. And pay fine of Rs.500/- each, in default, to undergo 1 month S.I.; for the offence u/s.324 IPC, A1, A3 and A4 were sentenced to undergo 3 years R.I. and pay fine of Rs.1000/- each, in default, to undergo 3 months S.I.; for the offence u/s.326 IPC, A2 was sentenced to undergo 6 years R.I. And pay fine of Rs.1000/-, in default, to undergo 6 months R.I.; for the offence u/s.307 IPC, A2 was sentenced to undergo 7 years R.I. And pay fine of Rs.1000/-, in default, 6 months S.I., for the offence u/s.506(2) IPC, A1, A3 and A4 were sentenced to undergo 3 years R.I. And pay fine of Rs.500/- each, in default to undergo 2 months S.I. And all these sentences shall run concurrently. The sentence and conviction imposed by the trial Court was confirmed by the learned Additional Sessions Judge, (Fast Track Court) Villupuram in CrI.A.No.67 of 2013, by judgment dated 09.07.2018. Hence, the petitioners seek suspension of sentence. As against the judgment of the first Appellate Court, the present revision has been preferred.

2.Considering the offence committed by A2-Narayanan, this Court directs the petitioner herein/A2 to surrender before the Court and this Court, by order dated 02.08.2018 passed the following order:

"At request of the learned Government Advocate (CrI.Side) to get instructions and to file objections as against A.2 and except A.2, for others no coercive steps to be taken till 08.08.2018."

3. But, in the docket order dated 02.08.2018, instead of mentioning that "except A2" it has been wrongly mentioned as "A1" and therefore, considering the offence committed by A2, this Court modified the order dated 02.08.2018 and the petition for suspension of sentence filed by A2, is dismissed.

4.Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioners except A2, are entitled for the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners A1, A3 ro A7 (except A2), are directed to be enlarged on bail, on condition that the petitioners A1, A3 to A7 shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tirukoilur and on further condition that the petitioners shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision.

Petition filed by A2 stands dismissed and is directed to surrender before the Court.

Notice.

-sd/-
09/10/2018

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 ADDITIONAL SESSIONS JUDGE
[FAST TRACK COURT] VILLUPURAM

2 THE JUDICIAL MAGISTRATE,
TIRUKOILUR.

3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUKOILUR POLICE STATION,
TIRUKOILUR.

+1 C.C. to M/S.S.RAMESH KUMAR Advocate on payment of necessary charges SR.NO. 19084

Order

in
CRL MP.10223/2018

in
CRL RC.899/2018

Date :09/10/2018

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