

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.2071 of 2018

IN CRL RC.215/2018

D.GOWRI SHANKAR,

[PETITIONER]

Vs

THE STATE REP BY ITS,

[RESPONDENT]

THE INSPECTOR OF POLICE,

W.21,ALL WOMEN POLICE STATION

GUINDY CHENNAI CR.NO.1 OF 2009.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.215/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on him by the Learned IX Metropolitan Magistrate, Saidapet, Chennai-15 in C.C.No.4556 of 2009 by judgment dated 28.04.2014 which was confirmed by the judgment of the Appellate Court made in C.A.NO.134 OF 2014 DATED 07.02.2018 on the file of the Learned VI Additional Sessions Judge, Chennai and enlarge him on bail pending disposal of the above Crl.Revision Petition on the file of this Honble Court.[CRL.MP.NO.2071/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.215/2018 on the file of the High Court and upon hearing the arguments of M/S.K.S.RAJAGOPALAN, Advocate for the petitioner and of Mrs. T.P.SAVITHA Government Advocate[crl.side]on behalf of the Respondent the court made the following order:-

The petitioner was convicted and sentenced by the Judgment of the learned IX Metropolitan Magistrate, Saidapet, Chennai, in C.C.No.4556 of 2009, dated 28.04.2014 as follows :

Conviction	Sentence imposed
498 (A) IPC	Accused to undergo three year RI and to pay a fine of Rs.2,000/- in default, to undergo three months S.I.
406 IPC	Accused to undergo one year R.I

Conviction	Sentence imposed
323 IPC	Accused to undergo three months R.I
506(ii) IPC	Accused to undergo Six months R.I

There against, petitioner preferred an appeal in C.A.No.134 of 2014 on the file of learned VI Additional District and Sessions Judge, Chennai, which came to be dismissed under judgment dated 07.02.2018. This miscellaneous petition has been filed seeking suspension of sentence.

2. The learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. The learned counsel further informs that petitioner is now confined at Central Prison, Puzhal.

3. Heard learned Government Advocate [Crl.side] on the submissions made by the learned counsel for petitioner.

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

5. 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 the learned IX Metropolitan Magistrate, Saidapet, Chennai 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 revision.

-sd/-

23/02/2018

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 METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET.CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
W.21,ALL WOMEN POLICE STATION
GUINDY CHENNAI

5 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL

6 THE VI ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CHENNAI

+1 C.C. to M/S.K.S.RAJAGOPALAN Advocate on payment of necessary
charges SR.NO. 3873

Order

in
CRL MP.2071/2018

in
CRL RC.215/2018

Date :23/02/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 23/02/2018