

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.8987 of 2018

IN CRL RC.791/2018

PACHAMUTHU

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REPRESENTED BY ITS

[RESPONDENT]

INSPECTOR OF POLICE,

BHUVANAGIRI POLICE STATION,

CUDDALORE DISTRICT.

CR. NO. 62 OF 2006.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.791/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the petitioner herein in C.C.No. 106 of 2006 on the file of the Learned District Munsif Cum Judicial Magistrate Porto Novo, Cuddalore District dated 22.01.2018 and confirmed by the Learned IInd Additional District and Sessions Judge, Chidambaram, Cuddalore District in C.A.No.8 of 2018 dated 26.06.2018, and release the petitioner herein on bail pending disposal of the above CRL RC.791/2018 [IN CRL.MP.NO.8987 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.791/2018 on the file of the High Court and upon hearing the arguments of M/S.R.KARTHIKEYAN, Advocate for the petitioner and of PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner was convicted and sentenced by the Judgment of the learned District Munsif cum Judicial Magistrate Porto Novo, Cuddalore District in C.C.No.106 of 2006 dated 26.06.2018, as follows :

Conviction	Sentence imposed
279 IPC	To pay a fine of Rs.1,000/- in default, to undergo one month Simple Imprisonment.
337(24 counts)	To undergo twenty four months Simple Imprisonment and to pay a fine of Rs.1,000/- for each count.
338(2 counts)	To undergo Seven months of Simple Imprisonment and to pay a fine of Rs.1,500/- for each count.

<i>Conviction</i>	<i>Sentence imposed</i>
304 A (2 counts)	To undergo Six months of Simple Imprisonment for each count and to pay a fine of Rs.3000/- for each count, in default, to undergo Six months Simple Imprisonment for each count.

However, the sentences were ordered to run concurrently.

2. The conviction and sentence imposed by trial Court was confirmed by the learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District under judgment in C.A.No.8 of 2018 dated 26.06.2018. Hence, the petitioner has filed the present Criminal Revision.

3. The learned counsel for the petitioner submits that there are inconsistencies in the evidence of the witnesses which were not properly considered by the Courts below. It is further stated 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. Hence, he prayed for suspending the substantial portion of the sentence alone pending disposal of the present Criminal revision.

4. Having regard to the submission of the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed on the petitioner/accused.

5. Accordingly, substantial sentence of imprisonment alone is suspended on condition the petitioner execute a bond for a sum of Rs.50,000/- with two sureties each for a like sum to the satisfaction of the Trial Court and on further condition that the petitioner shall report before the trial Court on the first working day of every month at 10.30 a.m, pending disposal of the revision.

-sd/-

11/07/2018

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PORTO NOVO, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BHUVANAGIRI POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1C.C. to M/S.R.KARTHIKEYAN Advocate on payment of necessary
charges SR NO.12902

Order

in
CRL MP.8987/2018

in
CRL RC.791/2018

Date :11/07/2018

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MK:16/07/2018