

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.9957 of 2018

IN CRL RC.875/2018

THOMAS,

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CHIDAMBARAM TOWN POLICE STATION,
CHIDAMBARAM,
CR.NO.457 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.875 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in C.A.No.63 of 2017 dated 20.06.2018/ by the Second Additional District Sessions Judge, Cuddalore confirming the conviction and sentence passed by the Learned Judicial Magistrate No.II, Chidambaram in C.C.No.158 of 2015 dated 22.06.2017 and enlarge the petitioner on bail till disposal of Crl.R.C.No.875 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.875 of 2018 on the file of the High Court and upon hearing the arguments of M/S.V.PAARTHIBAN, Advocate for the petitioner and of Mr.S.THANKIRA, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner was convicted for the offence under Section 394 of I.P.C and sentenced to undergo rigorous imprisonment for the period of 3 years and a fine of Rs.2000/-, in default one month simple imprisonment, by the learned Judicial Magistrate No.II, Chidambaram, under judgment in C.C.No.158 of 2015 dated 22.06.2017 and the same is confirmed by the learned II Additional District and Sessions Judge, Chidambaram, in Criminal Appeal No.63 of 2017 on 20.06.2018. Hence, the petitioner seeks suspension of sentence.

2. Learned counsel submits that there are several infirmities and inconsistencies found in the prosecution case and there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4.Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the revision, as contended by learned counsel for petitioner and further the revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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 learned Judicial Magistrate No.II, Chidambaram, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

-sd/-

16/08/2018

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 JUDICIAL MAGISTRATE,
NO.II, CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE II, ADDL. DISTRICT SESSION
JUDGE, CUDDALORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CHIDAMBARAM TOWN POLICE STATION,
CHIDAMBARAM.

+1 C.C. to M/S.V.PAARTHIBAN Advocate on payment of necessary charges-Sr.15428

Order

in
CRL MP.9957/2018

in
CRL RC.875/2018

Date :16/08/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 24.08.2018



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