

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.13521 of 2018

IN CRL.R.C.NO.1160 of 2018

ILAYARAJA

[PETITIONER]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
MANGALAMPET POLICE STATION,
VRIDHACHALAM TALUK,
CUDDALORE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed by the Learned Judicial Magistrate-II, Vridhachalam, Cuddalore dated in C.C.No. 116 of 2007 dated 16.5.2017 altered the Judgment passed by the Learned III Additional District and Session's Judge, Vridhachalam, Cuddalore District in Crl.A.No.47 of 2017 dated 04.07.2018 and enlarge the Revision Petitioner on bail pending disposal of the above Crl.R.C.No.1160/2018.

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.LAKSHMIDEVI P. 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 petitioner/A1 is the accused in C.C.No.116 of 2007 on the file of the Judicial Magistrate-II, Vridhachalam, Cuddalore District and he was convicted for the offences punishable under Section 294(b) IPC and was sentenced to undergo 3 months imprisonment; for the offence under Section 352 IPC and was sentenced to undergo 3 months imprisonment and for the offence under Section 325 IPC and was sentenced to undergo 2 years imprisonment and to pay fine of Rs.2,000/-, in default, to undergo 3 months imprisonment. As against the conviction, the appeal preferred by the petitioner and A2 and A3, before the III Additional District and Sessions Judge, Vridhachalam, Cuddalore District. On 04.07.2018, the first Appellate Court partly allowed the appeal and convicted A1 alone for the offence under Section 325 IPC and sentenced to undergo 2 years imprisonment and fine of Rs.2,000/-, in default, to undergo 3 months imprisonment.

Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3.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 petitioner is entitled for the relief of suspension of sentence.

4. 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-II, Vridhachalam, Cuddalore District and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision.

5.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 III ADDITIONAL DISTRICT & SESSIONS JUDGE,
VRIDHACHALAM, CUDDALORE DISTRICT.

2 THE JUDICIAL MAGISTRATE,
NO.II, VRIDHACHALAM, CUDDALORE DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
MANGALAMPET POLICE STATION,
VRIDHACHALAM TALUK,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.LAKSHMIDEVI P. Advocate on payment of necessary
charges SR.NO. 19005

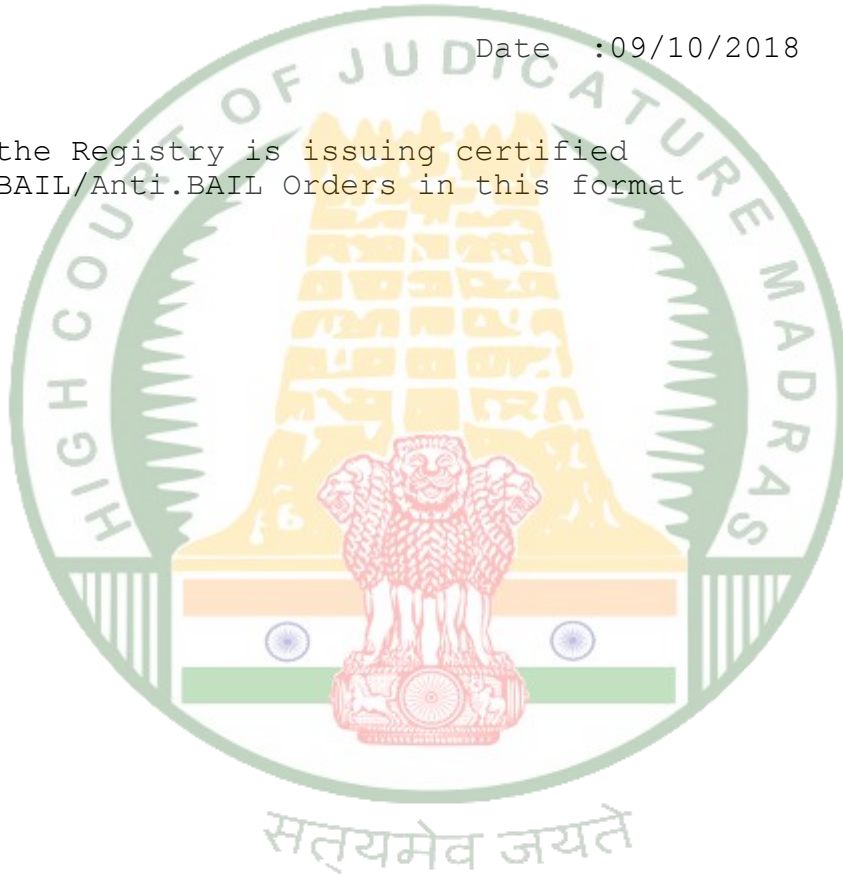
Order

in
CRL MP.13521/2018
IN CRL.R.C.NO.1160/2018

Date :09/10/2018

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