

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventeenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION Nos.17243 & 17245 of 2018

IN CRL RC.1468/2018

VENKADACHALAM

[PETITIONER IN BOTH THE PETITIONS]

Vs

1 MUTHUSAMY (DIED)
2 M.MADESHWARI
3 M.ARUNKUMAR
4 GOWTHAMI

[RESPONDENTS IN BOTH THE PETITIONS]

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 on the Revision Petitioner in C.A.No.68 of 2002 by The Additional Sessions Judge, Namakkal District by judgment dated 26.11.2018 modified the sentence imposed on the petitioner in CC No.328 of 1999 on the file of the Judicial Magistrate No.I, Namakkal by judgement dated 11.12.2000, pending disposal of the Crl.R.C.No.1468 of 2018. (CRL.M.P.NO.17243/2018)

(i) Pleased to Exempt the petitioner to surrender before the Trial Court in C.C.No.328/1999 on the file of the Judicial Magistrate No.I, Namakkal modified by The Additional Sessions Judge, Namakkal District in in C.A.No.68 of 2002 by judgment date 26.11.2018 for filing this Crl.R.C.No.1468 of 2018. (CRL.M.P.NO.17245/2018)

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.B.VASUDEVAN, Advocate for the petitioner the Respondents the court made the following order:-

These miscellaneous petitions have been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 26.11.2018 in C.A.No.68 of 2002 by the learned Additional Sessions Judge, Namakkal District, modified the sentence imposed on the petitioner in C.C.No.328 of 1999 on the file of the learned Judicial Magistrate No.I, Namakkal by judgment dated 11.12.2000 and to exempt the surrender of the petitioner and enlarge the petitioner on bail pending disposal of the above criminal revision.

2. The learned counsel for 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. Heard learned Government Advocate (Crl.Side) 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 and exemption from surrendering before the Trial Court.

5. Accordingly, these miscellaneous petitions are allowed and the substantive sentence of imprisonment alone is suspended on condition that the petitioner shall deposit a sum of Rs.90,000/- to the credit of C.C.No.328 of 1999, on the file of the learned Judicial Magistrate No.1, Namakkal, within a period of four weeks from the date of receipt of a copy of this order, failing which, the order of suspension of sentence shall stand vacated automatically, without any further reference to this Court and further 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.1, Namakkal. Further, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders. In view of the suspension of sentence, the petitioner is exempted from surrendering before the learned Judicial Magistrate No.1, Namakkal.

-sd/-
17/12/2018

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, NAMAKKAL DISTRICT.

2 THE JUDICIAL MAGISTRATE,
NO.1, NAMAKKAL.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

+1 C.C. to M/S.B.VASUDEVAN Advocate on payment of necessary
charges SR.NO.24149

Order

in
CRL MP.17243 & 17245/2018

in
CRL RC.1468/2018

Date :17/12/2018

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TA-20/12/2018