

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION Nos.17426 and 17428 of 2018

IN CRL RC.No.1492 of 2018

SAKTHIVEL

[PETITIONER
in both petitions]

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
H-3, TONDIARPET POLICE STATION,
OLD WASHERMENPET,
CHENNAI-600 021.

[RESPONDENT
in both petitions]

Petition praying that in the circumstances stated therein the High Court will be pleased to

(i) suspend the sentence of imprisonment imposed in Judgment dated 21.04.2015 in C.C.No.3384 of 2012 on the file of the XV Metropolitan Magistrate, Chennai and which was confirming the Judgement dated 30.10.2018 made in Crl.A.No.107 of 2015 on the file of V Additional Sessions Judge at Chennai and enlarge the petitioner on bail pending disposal of the above CRL.R.C.No.1492 of 2018 [CRL.M.P.No.17426 of 2018]

(ii) grant an order of exemption from surrendering before the Trial Court in pursuance to the Judgment dated 30.10.2018 made in CRL.A.No.107 of 2015 on the file of V Additional Sessions judge at Chennai on 30.10.2018 which was confirming the Judgment in C.C.No.3384 of 2012 dated 21.04.2015 on the file of the XV Metropolitan Magistrate, Chennai till the disposal of the above CRL.R.C.No.1492 of 2018 [CRL.M.P.No.17428 of 2018]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.SELVAKUMARASAMI, Advocate for the petitioner, in both petitions and of MR.G.HARIHARA ARUN SOMA SANKAR Government Advocate on behalf of the Respondent, in both petitions the court made the following order:-

Petitioner was convicted for an offence under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act and was sentenced to undergo 1 year rigorous imprisonment and also directed to pay a fine of Rs.10,000/- in default, to undergo simple imprisonment for a period of three months, by the learned XV Metropolitan Magistrate, Chennai in C.C.No.3384 of 2012 dated 21.04.2015. The order passed by the learned Trial Court was also confirmed by the learned V Additional Sessions Judge, Chennai in C.A.No.107 of 2015 dated 30.10.2018. Hence, petitioner seeks suspension of sentence and exemption from surrendering before the Trial Court.

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 the 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 are 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 for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, Chennai and on further condition that the petitioner shall appear before the said Court on the first working day of every week at 10.30 a.m. pending revision. In view of the suspension of sentence, the petitioner is exempted from surrendering before the trial Court.

-sd/-

19/12/2018

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 XV METROPOLITAN MAGISTRATE
CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE V ADDITIONAL SESSIONS JUDGE,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
H-3, TONDIARPET POLICE STATION,
OLD WASHERMENPET,
CHENNAI-600 021.

+1C.C. to M/S.K.SELVAKUMARASAMI Advocate on payment of
necessary charges SR.NO.24500

Order

in
CRL MP.Nos.17426 & 17428 of 2018

in
CRL RC.No.1492 of 2018

Date :19/12/2018

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

cm 26/12/2018

WEB COPY