



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of July Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3852 of 2018

IN

CRL RC(MD) No.278 of 2018

CHANDRAN

... PETITIONER / APPELLANT /
ACCUSED No.1

Vs

UNION OF INDIA
REP BY THE INSPECTOR OF POLICE,
R.P.F. TRICHIRAPPALLI GOODS YARD,
TRICHIRAPPALLI

... RESPONDENT / RESPONDENT /
COMPLAINANT

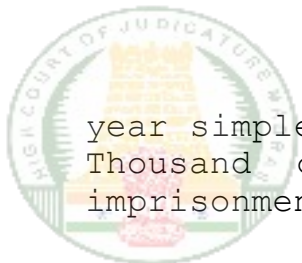
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed upon the petitioner in Criminal Appeal No.22/2013 on the file of the Principal District & Sessions Judge, Trichy dated 19/08/2013 confirming the order in C.C.No.194/2006 on the file of the Judicial Magistrate No.II, Trichy dated 29/05/2013 pending disposal of the above Crl.R.C

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.J.SANJAY VIGNESH, Advocate for the petitioner and of Mr.S.MANOKAR, Standing Counsel for Railway on behalf of the Respondents, the court made the following order:-

Heard Mr.J.Sanjay Vignesh, learned counsel appearing for the petitioner and Mr.S.Manokar, learned Standing Counsel for the respondent.

2.This petition is filed to suspend the sentence imposed by the learned Sessions Judge, Tiruchirappalli in C.A.No.22 of 2013 , dated 19.08.2013 confirming the judgment of the learned Judicial Magistrate No.II, Tiruchirappalli in C.C.No.194 of 2006, dated 29.05.2013.

3.The case against the petitioner is that he was found in possession of some railway property and a case was registered under Section 3(a) Railway Property (Unlawful Possession Act, 1966) against the petitioner and he was convicted by the learned Judicial Magistrate No.II, Tiruchirappalli and was sentenced to undergo one



year simple imprisonment and to pay a fine of Rs.2,000/- (Rupees Two Thousand only), and in default to undergo one month simple imprisonment, by the judgment dated 29.05.2013.

4.As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.22 of 2013 before the learned Sessions Judge, Tiruchirappalli. The first appellate Court has also confirmed the conviction and sentence, by the judgment dated 05.04.2018, aggrieved by which, the petitioner has preferred a revision in Crl.R.C.No.278 of 2018. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.

5.On the side of the petitioner, it is stated that the petitioner is suffering from chronic ill health and mental depression due to habitual intoxication and he was not able to contact his Advocate and he was arrested on 10.08.2017, he is in judicial custody till date and he prayed for suspension of sentence till the disposal of the revision.

6.On the side of the respondent, it is stated that there is an inordinate delay in filing the petition and both the Lower Courts have convicted him. The prosecution has proved the case and prayed the petition to be dismissed.

7.Records perused.

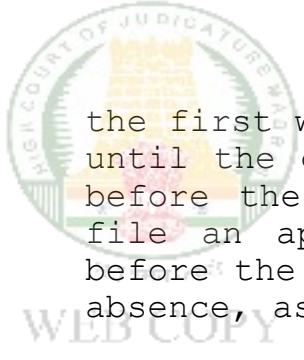
8.From the records, it is seen that the petitioner is in judicial custody from 10.08.2017 onwards. It is stated that the petitioner is an alcohol addict and he has not taken any steps to contact his Advocate to represent in the appeal. It is further stated that the family of the petitioner is suffering due to his custody and that there arguable points in the revision. The order of the learned Judicial Magistrate is already confirmed by the first Appellate Court and it is stated that the petitioner is having valid grounds for revision and this Court is of the view that the petitioner herein is entitled to put forth his case in this revision petition.

9.This Court is inclined to grant suspension of sentence till the disposal of the case, on his executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tiruchirappalli and on further condition that:

(i)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

<https://hcservices.ecourts.gov.in/hcservices/>

(ii)the petitioner shall appear before the Trial Court on



the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-

26/07/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
TIRUCHIRAPPALLI
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI
- 3 THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
TRICHY
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUCHIRAPPALLI
- 5 THE INSPECTOR OF POLICE,
UNION OF INIDA, R.P.F.SOUTHERN RAILWAY,
TIRUCHIRAPPALLI GOODS YARD,
TIRUCHIRAPPALLI
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.J.SANJAY VIGNESH Advocate SR.No.14141

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JAM/27/07/2018/RR /SAR 4/ 3p-8c

ORDER

IN

CRL MP (MD) No.3852 of 2018

IN

CRL RC (MD) No.278 of 2018

Date :26/07/2018