

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.271 of 2019

in CRL.R.C.No.34 of 2019

1 SENTHAMIL SELVI

[PETITIONERS/ACCUSED]

2 NARASAMIMMA BHARATHI

3 VALARSELVI

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO. 70 OF 2009.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.R.C.No.34 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the Petitioners/Appellant herein in CA.No.103 of 2017 dated 12.12.2018 on the file of learned II Additional District Sessions Judge, Chidambaram, Cuddalore District in C.C.No.228 of 2009 on the file of learned Judicial Magistrate No.II, Chidambaram, Cuddalore district and enlarge the petitioners on bail, pending disposal of the above CRL.R.C.No.34 of 2019 [CRL.M.P.No.271 of 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.R.C.No.34 of 2019 on the file of the High Court and upon hearing the arguments of M/S.K.BALU, Advocate for the petitioners, and of MR.G.HARIHARA ARUN SOMA SANKAR Government Advocate on behalf of the Respondent, the court made the following order:-

The petitioners/appellants are accused in C.C.No.228 of 2009, on the file of the Judicial Magistrate, No.II, Chidambaram, Cuddalore District. By judgment dated 09.10.2017, the trial Court has convicted the petitioners/appellants under various provisions of the Indian Penal Code. The maximum sentence imposed on the petitioners is Rigorous Imprisonment for three year for offence under Sections 408, 468, 420 of IPC. On appeal, the said conviction and sentence were

confirmed by the learned II Additional District and Sessions Judge, Chidambaram, by judgment dated 12.12.2018, with slight modification. Challenging the said conviction and sentence, the petitioners have preferred the above revision. Pending revision, they seek for suspension of sentence.

2.The learned counsel for the petitioners would submit that there are several infirmities and inconsistencies found in the prosecution case. It is also contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses. The learned counsel would further submit that the petitioners are in no way connected with the offence and they have been falsely implicated in this case.

3.Heard the learned Government Advocate (Criminal Side) on the submissions made by learned counsel for the petitioners.

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 case, as contended by learned counsel for the petitioners, and further the revision case is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of them 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, Cuddalore District, and on further condition that the petitioners shall appear before the said Court daily at 10.30 a.m. pending disposal of the revision case.

-sd/-

09/01/2019

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, CUDDALORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE II ADDITIONAL DISTRICT SESSIONS JUDGE,
CHIDAMBARAM, CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT

+1C.C. to M/S.K.BALU Advocate on payment of necessary charges
SR.NO.617



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cm 11/01/2019

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