

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.280 of 2019

in CRL.R.C.No.36 of 2019

RANI

[PETITIONER / ACCUSED]

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.36 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the Petitioner/appellant herein in CA.No.1 of 2018 on the file of the Learned II Additional District Sessions Judge, Chidambaram, Cuddalore District dated 12.12.2018 in C.C.No.228 of 2009 on the file of learned Judicial Magistrate No.II, Chidambaram, Cuddalore District and enlarge the petitioner on bail, pending disposal of the above CRL.R.C.No.36 of 2019 [CRL.M.P.No.280 of 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.R.C.No.36 of 2019 on the file of the High Court and upon hearing the arguments of M/S.K.BALU, Advocate for the petitioner, and of MR.G.HARIHARA ARUN SOMA SANKAR Government Advocate on behalf of the Respondent, the court made the following order:-

The petitioner/appellant is 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 petitioner/appellant under various provisions of the Indian Penal Code. The maximum sentence imposed on the petitioner 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 petitioner has preferred the above revision. Pending revision, she seeks for 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 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 petitioner is in no way connected with the offence and she has been falsely implicated in this case.

3.Heard the learned Government Advocate (Criminal Side) on the submissions made by learned counsel for the 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 case, as contended by learned counsel for the petitioner, 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 petitioner herein is 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 she 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 petitioner 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,
CHIMBARAM, CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 C.C. to M/S.K.BALU Advocate on payment of necessary charges
SR.NO.618

Order

in
CRL MP.No.280 of 2019
in
CRL.R.C.No.36 of 2019

Date :09/01/2019

From 7.2.2001 the Registry is issuing certified
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cm 11/01/2019

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