

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.772 of 2019

IN CRL RC.10/2013

1 MANI @ VIMALA KUMARI
2 VELUSAMY
3 MARIMUTHU

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.5 OF 2009.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.10/2013 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the judgment of the learned Principal District and Sessions Judge, Namakkal in C.A.No.4 of 2012 dated 10.12.2012 confirming the conviction and sentence imposed by the learned Judicial Magistrate I, Namakkal in C.C.No.652 of 2009 by its order dated 09/01/2012 in CRL RC.10/2013 [IN CRL.MP.NO.772 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.10/2013 on the file of the High Court and upon hearing the arguments of M/S.C.D.JOHNSON, Advocate for the petitioner and of M/S. KRITIKA KAMAL P, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioners were convicted and sentenced in C.C.No.652 of 2009 by the Judicial Magistrate No.I, Namakkal on 09.01.2012 and the same was confirmed in Crl.A.No.4 of 2012 by the Sessions Court, Namakkal on 10.12.2012. Challenging the conviction and sentence, the petitioners filed Crl.R.C.No.10 of 2013 and this Court, in M.P.Nos.1 and 2 of 2013 in Crl.R.C.No.10 of 2013, suspended the sentence and directed their release on bail, by order dated 07.01.2013. However, for non prosecution of Crl.R.C.No.10 of 2013, the same was dismissed on 09.10.2018. Since the revision was dismissed, the police have taken into custody, Mani @ Vimalakumari/A3, Velusamy/A5 and Marimuthu/A6 and they are now undergoing sentence in Central Prison, Coimbatore. Thereafter, the petitioners filed Crl.M.P.No.214 of 2019 in Crl.R.C.No.10 of 2013 for restoring the criminal revision on file

and this Court, by order dated 07.01.2019, set aside the order dated 09.10.2018 and restored the criminal revision petition on file.

2. On 10.01.2019, Jayanthi, the de facto complainant, was present before this Court and submitted that, she has entered into an amicable settlement with the accused, inasmuch as the accused have agreed to convey an immovable property to her and to her children and therefore, she prayed for composition of the offence. However, only after the accused are released from prison, can any meaningful composition be done.

3. In view of the above, the sentence slapped on the petitioners is suspended and the petitioners are directed to be released on bail, on they executing a bond for Rs.10,000/- (Rupees ten thousand only) each, without sureties, to the satisfaction of the Superintendent of Prison, Central Prison, Coimbatore. After release, the petitioners shall be present before this Court on 23.01.2019 at 10.30 a.m.

Post the revision petition on 23.01.2019.

-sd/-

11/01/2019

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.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, NAMAKKAL.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.C.D.JOHNSON Advocate on payment of necessary
charges SR NO.849

Order

in
CRL MP.772/2019

in
CRL RC.10/2013

Date :11/01/2019

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

MK:11/01/2019



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