

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.1010 of 2019

in CRL.RC.NO.104/2019

PERAMBAL SHANMUGAM

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE (LAW AND ORDER),
CHENNAI CENTRAL RAILWAY POLICE STATION,
CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.104 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of 1year S.I passed against him in C.C.No.226 of 2015 on the file of XVI Metropolitan Magistrate, George Town, Chennai dt 01.02.2016 and confirmed the same by the I Addl Sessions Judge, City Civil Court, Chennai in C.A.No.39 of 2016 by an order dt 24.12.2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.104 of 2019 on the file of the High Court and upon hearing the arguments of MR.V.SAMBAMURTHY, Advocate for the petitioner and of Mr.G.HARI HARA ARUN SOMASANKAR, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner is the sole accused in C.C.No.226 of 2015, on the file of the XVI Metropolitan Magistrate, George Town, Chennai. He was convicted for offence under Section 4 of the Tamil Nadu Prevention of Women Harassment Act and sentenced to undergo one year simple imprisonment and also imposed with a fine of Rs.10,000/-, in default, sentenced to undergo one month simple imprisonment. The said conviction and sentence were confirmed by the learned I Additional Sessions Judge, in Crl.A.No.39 of 2016, vide judgment dated 24.12.2018. Hence, the petitioner seeks suspension of sentence.

2.Learned counsel for the petitioner would submit that petitioner is in custody and 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 the learned Government Advocate (Criminal Side) on the submissions made by 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 case, 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 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 the petitioner 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 XVI Metropolitan Magistrate, George Town, Chennai, and on further condition that the petitioner shall appear before the said Court once in a week i.e. on every Monday at 10.30 a.m. pending revision.

-sd/-

24/01/2019

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 METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

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

3 THE I, ADDITIONAL SESSIONS
JUDGE, CITY CIVIL COURT, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE (LAW AND ORDER),
CHENNAI CENTRAL RAILWAY POLICE STATION,
CHENNAI.

+2 C.C. to M/S.V.SAMBAMURTHY Advocate on payment of necessary charges-Sr. 1572

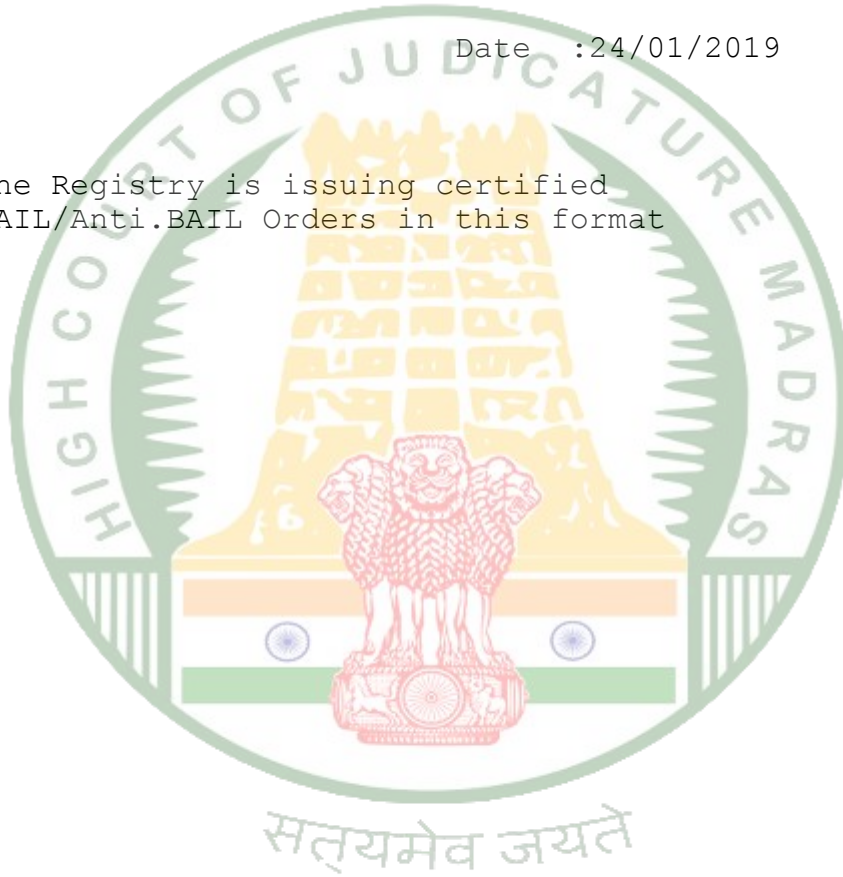
Order

in
CRL MP.1010/2019

in CRL.RC.NO.104/2019

Date :24/01/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 25.01.2019



WEB COPY