

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Twenty Eighth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.1209 of 2019

IN CRL RC.142/2019

VIMALA

[ PETITIONER/ACCUSED]

Vs

THE SUB INSPECTOR OF POLICE

[ RESPONDENT ]

H-1, WASHERMENPET POLICE STATION,  
CHENNAI-21.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.142 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence and conviction dated 12.04.2018 passed in C.C.No.1171/2017 against the petitioner by the XV Metropolitan Magistrate, George Town, Chennai and confirmed in C.A.No.327 of 2018 by the Principal Session Judge, Chennai by its judgment dated 11.12.2018 pending disposal of the above Crl.RC.142/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.142 of 2019 on the file of the High Court and upon hearing the arguments of M/S.R.NARENDRAN, Advocate for the petitioner and of Mr.G.HARIHARA 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.1171 of 2017, on the file of the XV Metropolitan Magistrate, George Town, Chennai. By judgment dated 12.04.2018, she was convicted for offence under Section 325 of the Indian Penal Code and sentenced to undergo one year Rigorous Imprisonment and also imposed with a fine of Rs.2000/- in default, sentenced to undergo one month simple imprisonment. The said conviction and sentence were confirmed by the learned Principal Sessions Judge, Chennai, in Crl.A.No.327 of 2018, vide its judgment dated 11.12.2018. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the petitioner would submit that in a wordy quarrel between the petitioner and the defacto complainant, the petitioner alleged to have assaulted the defacto complainant, due to which, the defacto complainant sustained grievous injuries. The learned counsel would further submit that the petitioner has not committed any such offence and she has been falsely implicated in this case. He would also submit that the sentence imposed against

the petitioner was suspended by the trial Court and also by the appellate Court till the disposal of the appeal. He would further submit that the petitioner is a house wife and mother of two college going girls and she is also suffering from breathing problem and other ailments. It is also the submission of the learned counsel that there are several infirmities and inconsistencies in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses. Hence, the learned counsel would pray for suspending the sentence.

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 XV Metropolitan Magistrate, George Town, Chennai, and on further condition that the petitioner shall appear before the said Court once in a month i.e. on the first working day at 10.30 a.m. pending revision.

-sd/-

28/01/2019

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.XV, GEORGE TOWN, CHENNAI.

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

3 THE PRINCIPAL SESSIONS JUDGE,  
CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE  
H-1, WASHERMENPET POLICE STATION,  
CHENNAI-21.

+1 C.C. to M/S.R.NARENDRAN Advocate on payment of necessary  
charges-Sr.1739

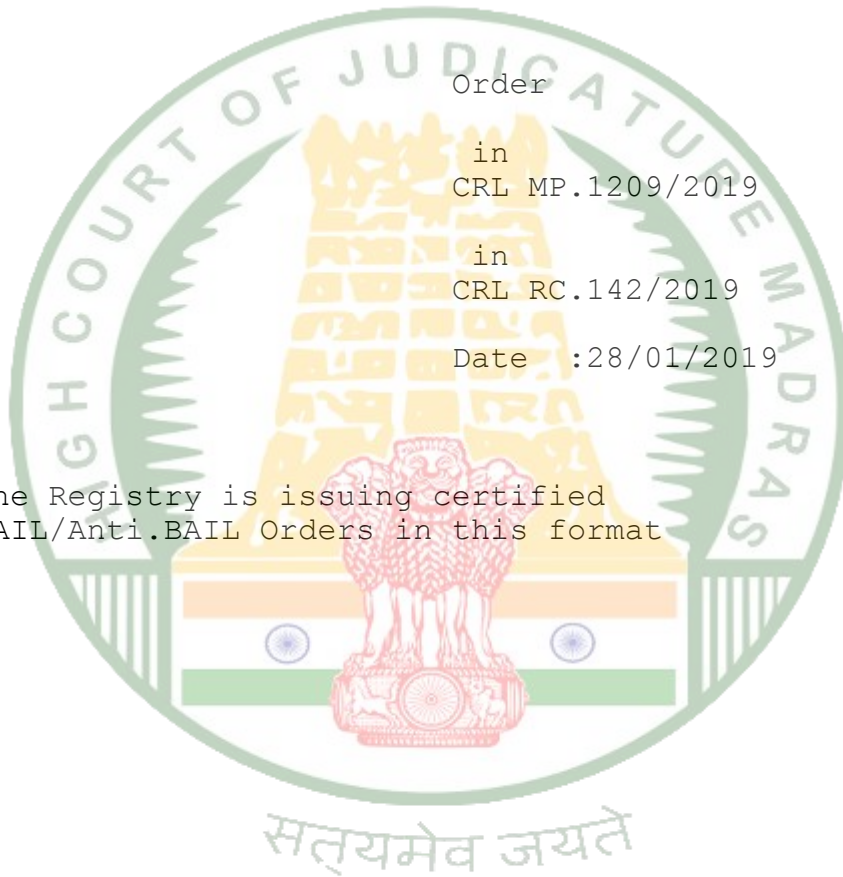
Order

in  
CRL MP.1209/2019

in  
CRL RC.142/2019

Date :28/01/2019

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copies of the BAIL/Anti.BAIL Orders in this format  
ths : 30.01.2019



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