

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.R.C.No.272 of 2019

Sathish Kumar

...Petitioner

Vs.

State by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
Crime No.772 of 2015.

...Respondent

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.48 of 2019 in C.A.No.6 of 2019 dated 11.01.2019 on the file of the learned Principal District and Sessions Judge, Tiruppur and grant suspension of sentence imposed in C.C.No.455 of 2015 dated 10.12.2018 on the file of the learned Judicial Magistrate, Dharapuram till the disposal of C.A.No.6 of 2019 on the file of the learned Principal District and Sessions Judge, Tiruppur.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.R.Suryaprakash
Government Advocate
(Crl. Side)

O R D E R

The above Criminal Revision has been filed to set aside the order passed in Crl.M.P.No.48 of 2019 in C.A.No.6 of 2019 dated 11.01.2019 on the file of the learned Principal District and Sessions Judge, Tiruppur and grant suspension of sentence imposed in C.C.No.455 of 2015 dated 10.12.2018 on the file of the learned Judicial Magistrate, Dharapuram till the disposal of C.A.No.6 of 2019 on the file of the learned Principal District and Sessions Judge, Tiruppur.

2. The respondent police registered a case against the revision petitioner and charge sheet has also been filed for

the offence under Section 381 IPC, which was taken on file in C.C.No.455 of 2015 before the learned Judicial Magistrate, Dharapuram. After hearing the both sides, the learned Magistrate found the accused guilty for the offence under Section 381 of IPC and sentenced him to undergo imprisonment for two years and to pay a fine of Rs.2,000/- in default, one month rigorous imprisonment. Thereafter, the petitioner has moved a petition for suspension of sentence before the learned Judicial Magistrate, Dharapuram and the same was suspended till 09.01.2019. Thereafter, the petitioner/accused has preferred the appeal before the learned Principal District and Sessions Judge, Tiruppur in C.A.No.6 of 2019 and also filed a petition in Crl.M.P.No.48 of 2019 for suspension of sentence. The learned Judge dismissed the miscellaneous petition. As against which the petitioner/accused preferred this revision before this Court.

3. The learned counsel for the petitioner would submit that the mother of the petitioner/accused was not well and she was admitted in hospital. Hence two days delay have been occurred to file the petition for suspension of sentence along with the appeal before the learned Sessions Court.

4. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the materials available on record.

5. On a perusal of records, it could be seen that, the learned Sessions Judge dismissed the petition in Crl.M.P.No.48 of 2019 on the ground that the order of suspension of sentence granted till 09.01.2019 got expired from 10.01.2019. Subsequent to the dismissal of the petition by the learned Sessions Judge, the respondent police has not taken any steps to take the custody of the petitioner to undergo the punishment. However, the learned Sessions Judge is hereby directed to call for the records from the Court below immediately and to give an opportunity to both the parties and after hearing of the arguments, dispose of the appeal on merits within a period of one month from the date of receipt of a copy of this order. Both the parties are directed to extend their fullest cooperation to enable the learned Sessions Judge to dispose the appeal in accordance with law.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge, Tiruppur.

2. The Judicial Magistrate,
Dharapuram.

3. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

+1cc to Mr.C.S.Saravanan, Advocate, S.R.No.17179

Cr1.R.C.No.272 of 2019

KAN (CO)
GSP (27/02/2019)



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