

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourteenth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION NO.6925 OF 2019

in CRL.RC.NO.504 OF 2019

1 RAMASAMY

[PETITIONERS / APPELLANTS / ACCUSED]

2 SELVI

Vs

STATE REPRESENTED BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RASIPURAM.

CRIME NO.5/2010.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.504 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed in C.C.No.50/2011 by the learned Judicial Magistrate, Rasipuram, confirmed in C.A.No.29/2017, by the learned Principal Sessions Judge, Namakkal and enlarge them on bail pending disposal of Crl.R.C.No.504/2019. [IN CRL.MP.NO.6925 OF 2019]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.504 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.K.V.SRIDHARAN, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

1.This Criminal Miscellaneous Petition has been filed by the petitioners/A1 & A2, seeking suspension of sentence of imprisonment, imposed by the judgment of conviction and sentence, dated 30.05.2017, made in C.C.No.50/2011, by the Judicial Magistrate Court, Rasipuram, as confirmed the judgment imposed dated 26.11.2018, made in Crl.A.No.29/2017, by the Principal Sessions Judge, Namakkal, pending disposal of the Criminal Revision Case.

2.This court heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on record.

3. In and by the impugned judgements, each of the petitioners/A1 & A2 were convicted and sentenced for the offence under Section 498-A, to undergo one year simple imprisonment and to pay a fine of Rs.1000/- each in default to undergo one month simple imprisonment. Aggrieved against the same, the petitioners/A1 & A2 have preferred this revision.

4. The learned counsel for the petitioners/A1 & A2 would submit that both the courts below have failed to note that the ingredients of the offence under Section 498-A have not been made out and that the wife of the 1st accused was pregnant at the time of marriage and that when it was questioned, the false complaint has been given and that though, the charges were framed for the offences under Sections 498-A of IPC and under Section 4 of the Dowry Prohibition Act and under Section 506 (ii) of IPC, the Trial Court had acquitted the petitioners/A1 & A2, for the offences under Section 4 of the Dowry Prohibition Act and under Section 506(ii) of IPC and that there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the petitioners/A1 & A2 have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/A1 & A2 may be suspended. He would further submit that the fine amount has been paid and that the petitioners/A1 & A2 have surrendered before the Trial Court today i.e., 15.11.2019.

5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the substantive sentence of imprisonment alone is suspended and the petitioners/A1 & A2 have ordered to be enlarged on bail, on the following conditions:-

i. Each of the petitioners/A1 & A2 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Rasipuram.

ii. The petitioners/A1 & A2 and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

iii. The petitioners/A1 & A2 shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, until the disposal of the revision petition and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

iv. On the failure of the petitioners/A1 & A2, depositing the said amount, it is open to the Trial Court to commit the petitioners/A1 & A2 into custody for undergoing the sentence.

-sd/-

14/11/2019

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS
JUDGE, NAMAKKAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RASIPURAM.

WEB COPY

+1C.C. to M/S.K.V.SRIDHARAN Advocate on payment of necessary charges SR NO.23394

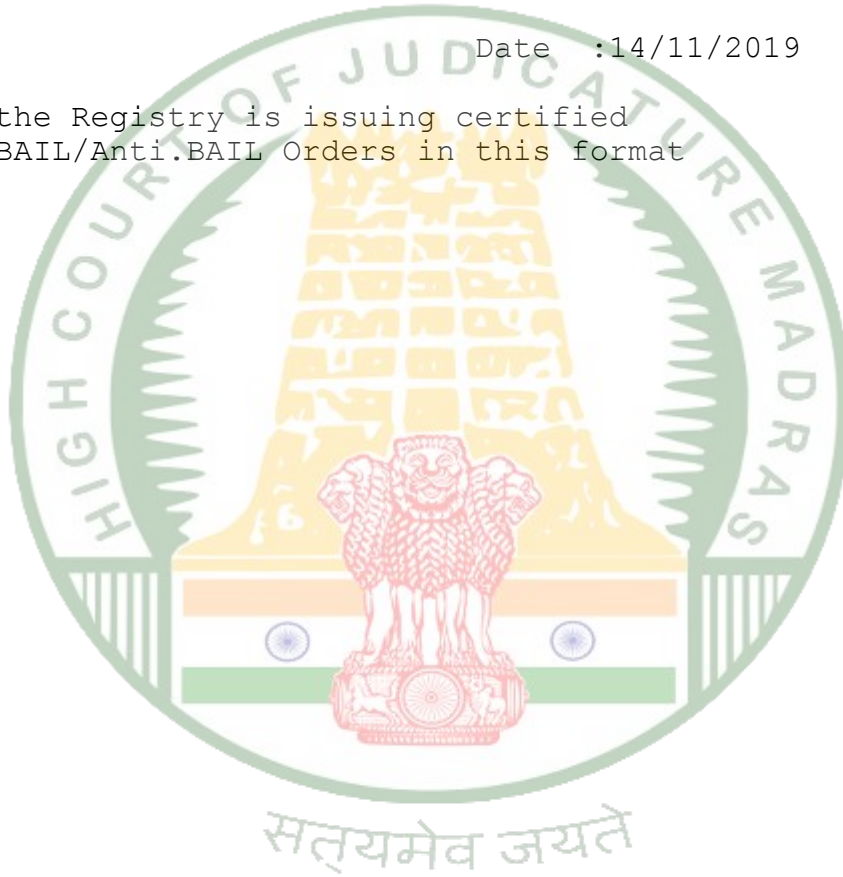
Order

in
CRL MP.6925/2019
in
CRL.RC.504/2019

Date :14/11/2019

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

MK:15/11/2019



WEB COPY