

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 24.04.2019

CORAM:
THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.379 of 2019

1.K.Pandiyan

2.K.Alex pandian

...Petitioners/Accused No. 1 & 2

Vs

State Rep., by
The Inspector of Police,
D-1, Ramanathapuram Police Station,
Crime No.147 of 2018

...Respondent

PRAYER: Criminal Revision case filed under Section 397 and 401 of the Criminal Procedure Code, to call for the records and set aside the order dated 05.04.2019 passed in Crl.MP.No.1207 of 2019 in C.A.No.129 of 2019 by the learned Principal District and Sessions Judge, Coimbatore and suspend the sentence dated 25.03.2019 passed in C.C.No.173 of 2018 on the file of the learned Judicial Magistrate No.VI, Coimbatore.

For Petitioner : Mr.C.D.Sugumar

ORDER

The revision petitioners are shown as accused 1 and 2 in C.C.No.173 of 2018 before the learned Judicial Magistrate No.VI, Coimbatore. After the trial proceedings, the learned Judicial Magistrate No.VI, Coimbatore, found guilty of the accused 1 and 2 for the offence under Section 392 of IPC convicted and sentenced them to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.2,000/- each, in default to undergo 90 days Rigorous Imprisonment. As against the said order, the petitioners/accused has filed an appeal before the learned Principal District and Sessions Judge, Coimbatore, in Crl.A.No.129 of 2019. During the pendency of the appeal, the petitioners/accused filed a petition in Crl.MP.No.1207 of 2017 for suspension of sentence pending disposal of the appeal. After hearing the arguments, the learned Principal District and Sessions Judge, Coimbatore, dismissed the petition and refused to suspend the sentence stating the reason that the petitioners/accused are in custody in connection with yet another case. Therefore, the learned Principal District and Sessions Judge, Coimbatore, dismissed the said Criminal Miscellaneous Petition. As against the order of dismissal the petitioners/accused filed a present Criminal Revision Case before this Court.

2 Heard the learned counsel for the petitioners and perused the materials available on record.

3 Admittedly the petitioners/accused were convicted in C.C.No.173 of 2018 by the Judgment dated 25.03.2019. Thereafter, the petitioners/accused filed an appeal before the learned Principal District and Sessions Judge, Coimbatore, in CrI.A.No.129 of 2019, which was pending before the learned Principal District and Sessions Judge, Coimbatore, and it is also admitted that the petitioners/accused are in custody in connection with yet another case.

4 Therefore, under these circumstances, this Court does not find any perversity in the order passed by the Courts below and this Court finds that there is no merits in this revision. Accordingly, this Criminal Revision Case is dismissed. The learned Principal District and Sessions Judge, Coimbatore, is directed to take up the appeal in CrI.A.No.129 of 2019 and dispose the same on or before 30.04.2019 on merits in accordance with law.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The learned Judicial Magistrate No.VI,
Coimbatore.
2. The learned Principal District and Sessions Judge,
Coimbatore.
3. The Inspector of Police,
D-1, Ramanathapuram Police Station,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.C.D.Sugumar, Advocate, S.R.No.39286

CrI.R.C.No.379 of 2019

CA(CO)

RRS (24/04/2019)