

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION NOS.2388 & 2389 OF 2018

IN

CRL.RC.NO.236 OF 2018

T.VIJAYAKUMAR

[PETITIONER]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
CBCID, CHENNAI.
CR.NO.2172 OF 1996

[RESPONDENT]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.236 OF 2018 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence of each one month simple imprisonment for the offence under section 468 and 471 of Indian Penal Code imposed by the Learned Judicial Magistrate No.I, Tiruvallur by judgment dated 25.10.2016 in C.C.No.279 of 2011 confirmed by the Learned Principal District Sessions Judge, Tiruvallur in C.A.No.84 of 2016 in judgment dated 23.10.2017 pending disposal of the above CRL.RC.NO.236 OF 2018 [IN CRL.MP.NO.2388 OF 2018]

[ii] exempt the petitioner from surrendering before the Honourable Judicial Magistrate No.I, Tiruvallur in respect of and sentence imposed by judgment dated 25.10.2016 in C.C.No.279 of 2011 confirmed by the Learned Principal District Sessions Judge, Tiruvallur in CA No.84 of 2016 in judgment dated 23.10.2017, CRL.RC.NO.236 OF 2018 [IN CRL.MP.NO.2389 OF 2018]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.236 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.L.MOULI, Advocate for the petitioner and of MRS.V.SARATHADEVI Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner/appellant is the sixth accused in Calendar Case No.279 of 2011, on the file of the Judicial Magistrate No.1, Thiruvallur. By judgment dated 25.10.2016, the trial Court has convicted the appellant, along with others, for offence under Sections 120(b), 468 and 471 of the Indian Penal Code. The maximum sentence imposed on the petitioner/A6 is one month Rigorous

Imprisonment for each count, which was confirmed by the Principal District and Sessions Judge, Tiruvallur, vide judgment dated 23.10.2017 in Crl.A.No.84 of 2016. Pending appeal, the petitioner seeks for suspension of sentence of imprisonment and also seeks for exemption from surrendering before the Judicial Magistrate No.I, Tiruvallur.

2.When the matter is taken up for hearing, the learned Government Advocate (Crl.side) would submit that the offence is of the year 1996 and along with the petitioner five other accused are involved in the case and therefore, no leniency should be shown to the petitioner alone. Accordingly, she would pray for dismissing these petitions.

3.Considering the said submission made by the learned Government Advocate, appearing on behalf of the prosecution, this Court is not inclined to suspend the sentence and also not inclined to exempt the petitioner from surrendering before the Court below. Even otherwise, there is no merit in these petitions and therefore, these petitions are dismissed for the present.

Registry is directed to list the main Criminal Revision Cases for final hearing on 21.01.2019.

-sd/-

04/01/2019

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 JUDICIAL MAGISTRATE,
NO.I, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT
SESSIONS JUDGE, TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CBCID, CHENNAI.

C.C. to M/S.L.MOULI Advocate on payment of necessary charges

Order

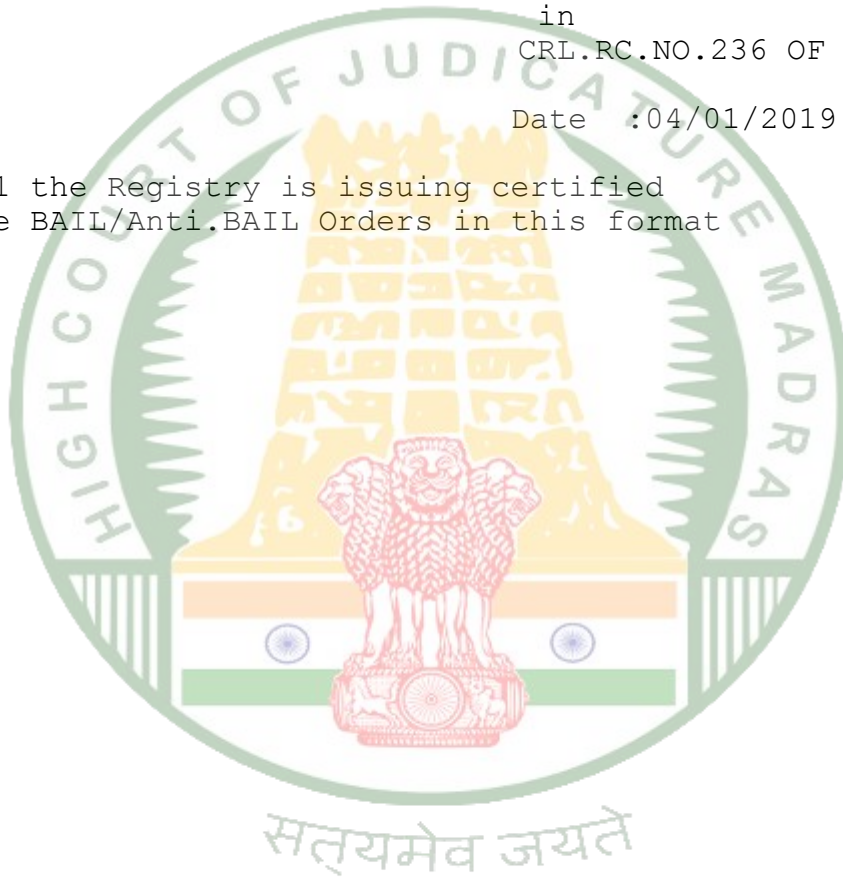
in
CRL MP.2388 & 2389 OF 2018

in
CRL.RC.NO.236 OF 2018

Date :04/01/2019

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

MK:09/01/2019



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