

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6379 of 2019

IN CRL RC.402/2019

R.DHARMALINGAM

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP. BY INSPECTOR OF POLICE, [RESPONDENT]
DISTRICT CRIME BRANCH,
VELLORE, VELLORE DISTRICT,
(CRIME NO.51/2012).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.402/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Learned Judicial Magistrate No.II, Vellore, Vellore District in C.C.No.486/2015 dated 05.04.2018 and confirmed by the Learned Additional District Judge, (Fast Track Court), Vellore, Vellore District in Crl.A.No.76/2018 dated 24/01/2019 pending disposal of the CRL.RC.NO.402 OF 2019

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.402/2019 on the file of the High Court and upon hearing the arguments of M/S.KANNADASAN E., Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The Criminal Revision has been filed as against the Judgment passed by the learned Additional District Judge, (Fast Track Court) Vellore, Vellore District in Crl.A.No.76 of 2018 dated 24.01.2019, confirming the conviction and sentence passed by the learned Judicial Magistrate, No.II, Vellore, Vellore District in CC No.486 of 2015 dated 05.04.2018, for an offence Under Section 471 (1 Count) of IPC and sentence to undergo Rigorous Imprisonment for two years for the offence under Section 471 (1 Count) and sentence to undergo rigorous imprisonment for two years for the offence under Section 420 (1 Count) of IPC and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for five months and the sentences were ordered to run concurrently. Pending appeal, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner submitted that the Court below proceeded to convict the petitioner solely based on the evidence of PW2, who actually turned hostile. The learned counsel further submitted that even though PW1 had categorically denied her signature found in Ex.P1 to P.7, she admitted the endorsement signature of her office staff which was found in Ex.P1 & P7. The learned counsel further submitted that there are material contradictions which are found in the evidence of the prosecution witnesses. The learned counsel further submitted that the petitioner has already deposited the fine amount of Rs.1,000/- before the Court below.

3. The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. This Court carefully considered the submissions made on either side.

5. Considering the facts and circumstances of the case and in view of the fact that there are arguable points which require a consideration in the appeal and the appeal cannot be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed by the Court below.

4. The sentence imposed by the Court below vide Judgment made in C.C No.486 of 2015 dated 05.04.2018 on the file of learned Judicial Magistrate, No.II, Vellore District, Vellore is hereby suspended, 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 Judicial Magistrate No.I, Vellore and to appear before the learned Judicial Magistrate, Vellore on the first working day of every week at 10.30 a.m., until further orders.

-sd/-

08/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

WEB COPY

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, VELLORE, VELLORE DISTRICT.

2 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE, VELLORE DISTRICT.

3 THE JUDICIAL MAGISTRATE,
VELLORE DISTRICT.

4 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

5 THE ADDITIONAL DISTRICT JUDGE,
[FAST TRACK COURT], VELLORE,
VELLORE DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VELLORE, VELLORE DISTRICT.

+1C.C. to M/S.KANNADASAN E. Advocate on payment of necessary
charges SR NO.9384

Order

in
CRL MP.6379/2019

in
CRL RC.402/2019

Date :08/05/2019

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MK:15/05/2019