

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.6353 of 2019

IN CRL RC.398/2019

GUNASEKARAN

[PETITIONER]

Vs

THE SUB INSPECTOR OF POLICE
W22 ALL WOMEN POLICE STATION,
MYLAPORE, CHENNAI

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.398/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by XVIII Metropolitan Magistrate, Saidapet, Chennai in CC No.736 of 2012 dated 30.07.2018 confirmed by the judgment dated 18.12.2018 in CA No.445 of 2018 by the XVII Additional City Civil Court, Chennai till the disposal of this criminal revision.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.398/2019 on the file of the High Court and upon hearing the arguments of M/S.R.RAJARATHINAM, Advocate for the petitioner and of MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This criminal revision petition has been filed against the judgment of the learned XVII Additional City Civil court, Chennai, made in C.A.No.445 of 2018, dated 18.12.2018, confirming the order of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, made in C.C.No.736 of 2012, dated 30.07.2018, convicting the petitioner for the offence under Section 498A I.P.C to undergo 2 years RI and to pay a fine of Rs.1000/- in default to undergo 2 months SI. Pending revision, 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 evidence of P.W.1 is highly exaggerated and imaginative and many of the allegations made against the petitioner were made from the 161 statement recorded by the respondent police. The learned counsel further submitted that the evidence of D.W.2 who is the Social Welfare Officer and the report given by her marked as Ex.D3 clearly show that there was no dowry demand/harassment in this case. The learned

counsel further submitted that even though it was alleged by the complainant that the petitioner was sharing information about private sexual affairs with a friend, neither was the friend named, nor he was he examined. The learned counsel submitted that minor incidents were exaggerated to give it a criminal colour and in order to make out a case for cruelty and the Court below went wrong in convicting the petitioner for an offence under Section 498 of I.P.C. The learned counsel further submitted that the petitioner has already deposited the entire fine amount at the time of filing the Appeal.

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 revision and the revision cannot be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed by the Court below.

6.The sentence imposed by the Court below, vide Judgment made in C.A.No.445 of 2018, dated 18.12.2018, on the file of the learned XVII Additional City Civil Court, Chennai, confirming the order of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, made in C.C.No.736 of 2012, dated 30.07.2018, is hereby suspended, and the petitioner is directed to be enlarged on bail, 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 XVIII Metropolitan Magistrate, Saidapet, Chennai, and shall appear before the said learned learned XVIII Metropolitan Magistrate every week on Monday at 10.30 a.m. until further orders.

सत्यमेव जयते

-sd/-

08/05/2019

WEB COPY

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 METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE XVII ADDITIONAL CITY CIVIL
COURT, CHENNAI

4 THE SUB INSPECTOR OF POLICE
W22 ALL WOMEN POLICE STATION, MYLAPORE,
CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 C.C. to M/S.R.RAJARATHINAM Advocate on payment of necessary
charges SR.NO. 9213

Order

in
CRL MP.6353/2019

in
CRL RC.398/2019

Date : 08/05/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 10/05/2019

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