

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.6443 of 2019

IN CRL RC.414/2019

KARUNAKARAN

[ PETITIONER / APPELLANT / ACCUSED ]

Vs

STATE REP BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KALLAKURICHI,  
CR.NO.37/2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.414/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the Criminal Revision Petition in Crl.A.No.8/2019 on the file of the III Addl.District and Sessions Court, Kallakurichi in dated 12.04.2019 confirming the judgment rendered by the Honble Judicial Magistrate No.I, Kallakurichi in C.C.NO.38/2014 dated 10/01/2019 and release him on bail pending disposal of the above CRL.RC.NO.414 OF 2019

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.414/2019 on the file of the High Court and upon hearing the arguments of M/S.A.G.RAJAN, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL 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 III Additional District and Sessions Court, Kallakurichi, made in Crl.A.No.8 of 2019, dated 12.04.2019, confirming the judgment of the learned Judicial Magistrate No.1, Kallakurichi, made in C.C.No.38 of 2014, dated 10.01.2019, convicting the petitioner under Section 494 of I.P.C. and sentencing him to undergo simple imprisonment for 3 years with fine of Rs.5000/- in default to undergo further period of 2 months simple imprisonment. 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 petitioner was tried along with nine other accused persons for an offence under Sections 498A, 494, 506(i) and 109 of I.P.C. and further under Section 4 of Dowry Prohibition Act and the petitioner alone was found guilty for an offence under Section 494 of I.P.C. and all the other accused persons were acquitted from all charges. The learned counsel further submitted that none of the witnesses have spoken about the date, time and place of marriage which was allegedly solemnised and no one had witnessed the alleged second marriage of the petitioner with A9. The learned counsel submitted that there are absolutely no materials to convict the petitioner for an offence under Section 494 of I.P.C. The learned counsel 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 CrI.A.No.8 of 2019, dated 12.04.2019, on the file of the learned III Additional District and Sessions Court, Kallakurichi, confirming the judgment of the learned Judicial Magistrate No.1, Kallakurichi, made in C.C.No.38 of 2014, dated 10.01.2019, 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 Judicial Magistrate No.1, Kallakurichi, and shall appear before the said learned Judicial Magistrate every week on Monday 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

TRUE COPY

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

TO

1 THE III ADDITIONAL DISTRICT  
AND SESSIONS COURT, KALLAKURICHI,  
VILLUPURAM DISTRICT.

2 THE JUDICIAL MAGISTRATE,  
NO.I, KALLAKURICHI.

3 THE CHIEF JUDICIAL MAGISTRATE  
VILLUPURAM [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

+1C.C. to M/S.A.G.RAJAN Advocate on payment of necessary  
charges SR NO.9285

Order

in  
CRL MP.6443/2019

in  
CRL RC.414/2019

Date :08/05/2019

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MK:09/05/2019

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