

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13284 of 2019

IN CRL.RC.NO.929 OF 2019

SATHISH KUMAR

[PETITIONER / APPELLANT /
ACCUSED]

Vs

STATE REP. BY

[RESPONDENT / COMPLAINANT]

INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.373/2014).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.929/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Learned Assistant Sessions Judge, Uthangarai, Krishnagiri District in S.C.No.48/2015 dated 01.03.2016 and modified by the Learned Additional District Judge, Krishnagiri, Krishnagiri District in Crl.A.No.20/2016 dated 16.11.2016, pending disposal of the Crl.RC.No.929/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.929/2019 on the file of the High Court and upon hearing the arguments of M/S. E.KANNADASAN, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking to suspend the sentence imposed by the learned Assistant Sessions Judge, Uthangarai, Krishnagiri District in S.T.C.No.48 of 2015 dated 01.03.2016 and modified by the learned Additional District Judge, Krishnagiri, Krishnagiri District in Crl.A.No.20 of 2016 dated 16.11.2016, pending disposal of the Criminal Revision Case.

2. Heard the learned counsel on either side and also perused the materials placed on record.

3. In and by the impugned judgement, the Petitioner/ accused was convicted and sentenced as under:

Accused	Under Section	Punishment
A2	341 IPC	Convicted one month R.I with fine of Rs.250/- i/d. For 15 days R.I.
	294 (b) IPC	Convicted one month R.I with fine of Rs.250/- i/d. For 15 days R.I.
	506(11) IPC	Convicted three years R.I with fine of Rs.1,000/- i/d. For 3 months R.I.
	307 r/w. 109 (2 counts IPC)	Convicted each 7 years R.I. with fine of Rs.3,000/- each i/d. For 6 months R.I.

4. According to the learned counsel for the Petitioner/accused that the incident has arisen out of dispute between the relatives in respect of a property. He would further submit that there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/ accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended. Learned counsel further submits that the petitioner has surrendered before the Court below on 24.09.2019.

5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the substantive sentence of imprisonment alone is suspended and the Petitioner/ accused is ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioner/ accused shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the District Munsif Cum Judicial Magistrate, Pochampalli.

ii.The Petitioner//accused shall report before the learned Additional District Judge, Uthangarai, Krishnagiri District, on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-
15/10/2019

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 ASSISTANT SESSIONS JUDGE
UTHANGARAI, KRISHNAGIRI DISTRICT

2 THE ADDITIONAL DISTRICT JUDGE,
KRISHNAGIRI, KRISHNAGIRI DISTRICT

3 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI

4 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE, सत्यमेव जयते
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 C.C. to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.No.21114

Order

in
CRL MP.13284/2019

in
CRL.RC.929/2019

Date :15/10/2019