

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.6470 of 2019

IN CRL A.261/2019

RASU

[PETITIONER]

Vs

THE DEPUTY SUPERINTENDENT OF POLICE [RESPONDENT]
PARAMATHI VELUR SUB DIVISION,
NAMAKKAL DISTRICT.
CR.NO.225 OF 2010

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.261/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence made in SC No.54 of 2014 on the file of Principal Sessions Judge, Namakkal order dated 09.04.2019 and release the petitioner/Appellant/Accused on bail, pending disposal of the above Crl.Appeal

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.261/2019 on the file of the High Court and upon hearing the arguments of M/S.A.PADMANABAN Advocate for the petitioner and of MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This appeal has been filed against the judgment of the learned Principal Sessions Judge, Namakkal, made in S.C.No.54 of 2014, dated 09.04.2019, convicting and sentencing the petitioner to undergo R.I. for 1 year for the offence under Section 324 IPC and to pay a fine of Rs.1,000/- in default, further S.I. for 3 months, to undergo R.I. for 1 year for the offence under Section 506 (i) IPC and to pay a fine of Rs.1,000/- in default further S.I. for 3 months, to undergo R.I. for 3 months for the offence under Section 294(b) IPC and to pay a fine of Rs.1,000/- in default further S.I. for 3 weeks and to undergo R.I. for 1 year for the offence under Section 3(1)(X) of SC/ST (POA) Act and to pay a fine of Rs.1,000/- in default further S.I. for 3 moths and the above 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 there was a delay of two days in giving the complaint and this was not properly explained by the prosecution. The learned counsel further

submitted that there was a civil dispute between the parties and a false complaint has been given against the petitioner. The learned counsel further submitted that the provisions of SC & ST Act will have no application in the present case and the same was invoked without any basis. The learned counsel submitted that the Court below has already suspended the sentence till 08.05.2019.

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.

6.The sentence imposed by the Court below, vide Judgment made in S.C.No.54 of 2014, dated 09.04.2019, on the file of the learned Principal Sessions Judge, Namakkal, 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, Paramathy, and shall appear before the said learned Judicial Magistrate every week on Monday at 10.30 a.m. until further orders. The petitioner is directed to deposit the fine amount of Rs.4,000/- (Rupees Four Thousand only) to the credit of S.C.No.54 of 2014 on the file of the learned Principal Sessions Judge, Namakkal.

-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 PRINCIPAL SESSIONS JUDGE
NAMAKKAL

2 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
PARAMATHI

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL[FOR INFORMATION]

4 THE DEPUTY SUPERINTENDENT OF POLICE,
PARAMATHI VELUR SUB DIVISION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
COIMBATORE

+1 C.C. to M/S.A.PADMANABAN Advocate on payment of necessary
charges SR.NO. 9353

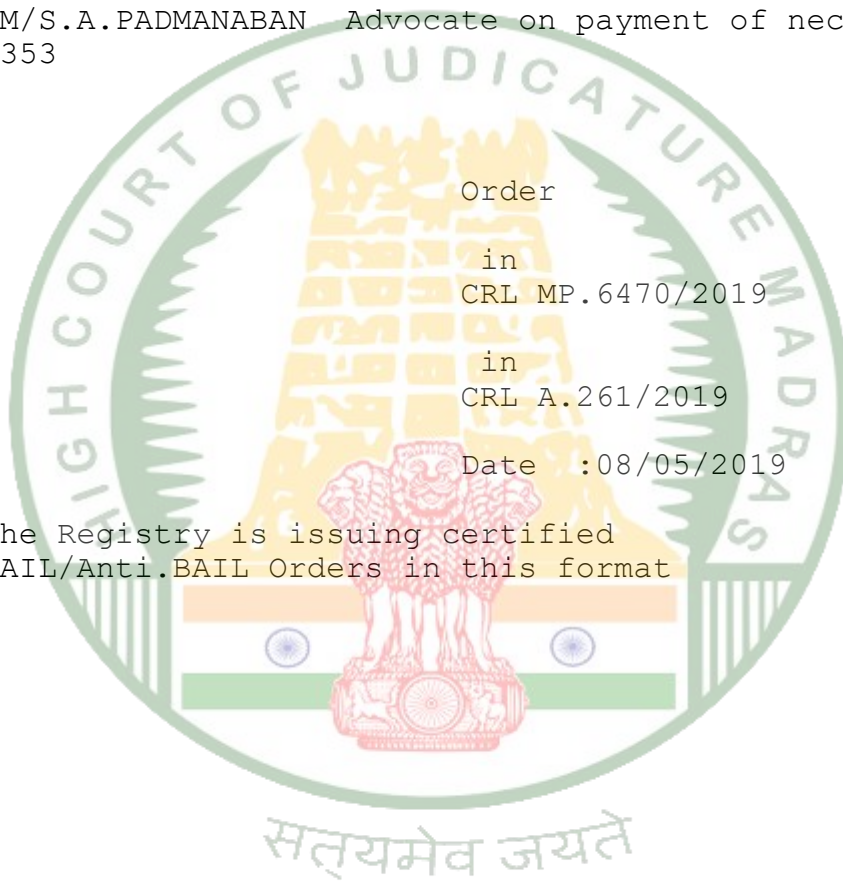
Order

in
CRL MP.6470/2019

in
CRL A.261/2019

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



WEB COPY