

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6479 of 2019

in CRL RC.No.419 of 2019

CHITHRA

[PETITIONER / APPELLANT]

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
RAILWAY PROTECTION FORCE,
JOLARPETTAI, VELLORE DISTRICT.
CRIME NO.6 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.No.419 of 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.I, Thiruppathur, Vellore District in CC.No.117/2014 dated 29.09.2016 and confirmed by the learned III Additional Sessions Judge, Vellore at Thirupathur, vellore District in C.A.No.15/2016 dated 19.03.2019 pending disposal of the CRL RC.No.419 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.No.419 of 2019 on the file of the High Court and upon hearing the arguments of M/S.E.KANNADASAN, Advocate for the petitioner, and of MRS.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 III Additional Sessions Judge, Vellore @ Thiruppathur, Vellore District in Crl.A.No.15 of 2016 dated 19.03.2019, confirming the judgment of the learned Judicial Magistrate No.I, Thiruppathur, Vellore District in C.C.No.117 of 2014 dated 29.09.2016, convicting the petitioner for the offence under Sections 3(b) of the Railway Property (Unlawful possession) Act, 1966 and sentenced to undergo Simple Imprisonment for three months with a fine of Rs.1500/- in default to undergo simple imprisonment for three months. 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 there is a material contradiction in the evidence of PW-1, PW-2 & PW-3 regarding the preparation of Ex.P-1 seizure mahazar. The learned counsel further submitted that there was no proof that M.O-1 & M.O-2 are properties which belongs to the Railways and there was no complaint given by the Railways about the missing of the material objects. The learned counsel further submitted that the fine amount has already been deposited by the petitioner 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 requires 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.C.No.117 of 2014 dated 29.09.2016, on the file of the learned Judicial Magistrate No.I, Thiruppathur, Vellore District, Vellore is hereby by 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, Thirupathur, Vellore and to appear before the learned Judicial Magistrate No.I, Thirupathur, on the first working day of every week at 10.30 a.m. until further orders.

-sd/-

09/05/2019

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 JUDICIAL MAGISTRATE NO.I
THIRUPPATHUR, VELLORE,
VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE III ADDITIONAL SESSIONS JUDGE,
THIRUPPATHUR, VELLORE,
VELLORE DISTRICT

4 THE SUB INSPECTOR OF POLICE,
RAILWAY PROTECTION FORCE,
JOLARPETTAI,
VELLORE DISTRICT

+1 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.9759

Order

in
CRL MP.6479/2019

in
CRL RC.419/2019

Date :09/05/2019

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cm 14/05/2019

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