

Crl.M.P. Nos.6703 & 6704 of 2019
in
Crl.R.C.No.461 of 2019

A.D.JAGADISH CHANDIRA, J.

The Petitioners were convicted for the offence under Section 326 of IPC and sentenced them to undergo SI for six months with fine of Rs.1,500/- in default to undergo SI of one month under judgement dated 16.02.2017 made in C.C. No.466 of 2016 passed by the XV Metropolitan Magistrate, George Town, Chennai as confirmed by a judgment made in C.A. No.103 of 2017 dated 07.07.2018 passed by the Principal Sessions Court, Chennai. Against such finding, the present revision has been filed.

2. Crl.M.P.Nos.6703 & 6704 of 2019 have been filed seeking suspension of sentence imposed on the petitioner and exemption from surrendering before the trial Court.

3. The learned counsel for petitioners would submit that both the Courts below on wrong appreciation of facts and law has convicted the petitioners. He would further submit that they have got valid grounds on appeal and have got a fair chance of succeeding the revision and would seek suspension of sentence and exemption from surrendering before the trial Court.

4. In respect of the contention raised by the learned counsel for the petitioners, regarding exemption from surrendering before the Trial Court, it is relevant to note that this Court had in several other cases, following the settled principles of law laid down by the Honourable

Crl 1380 (Bihari Prasad Singh Vs. State of Bihar and another) and also the decision reported in **1979 KLT 857 (Ibrahim Vs. State of Kerala)**, held that for seeking suspension of sentence, the accused need not be under confinement.

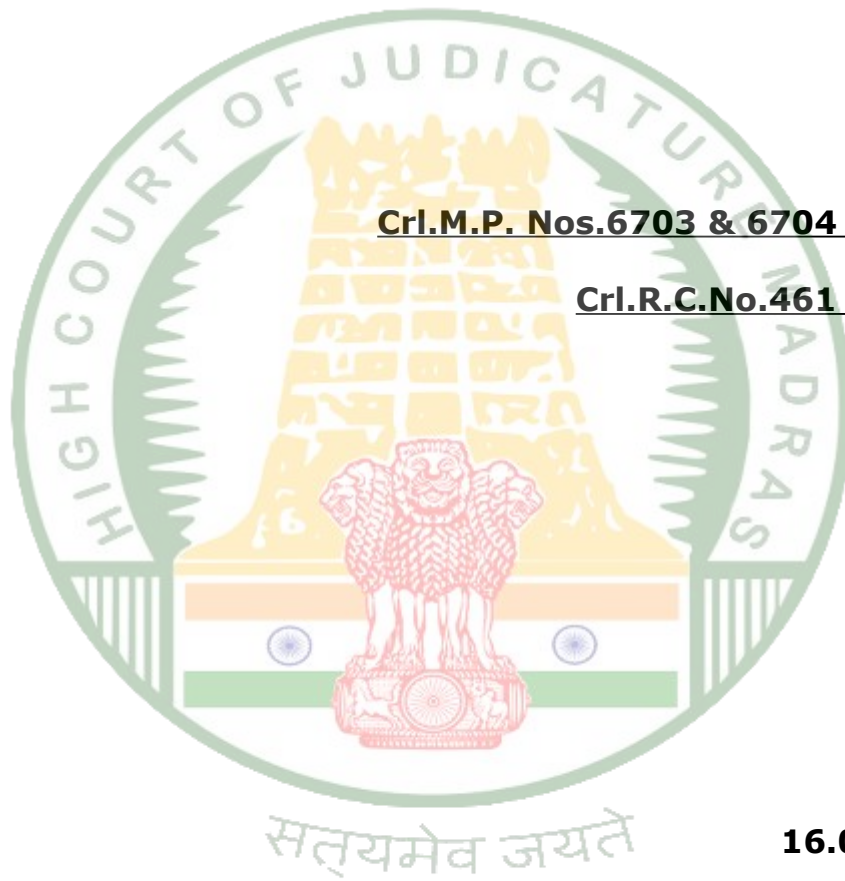
5.Learned Government Advocate takes notice for the respondent.

6.Considering the facts and circumstances of the case and the decisions of Hon'ble Supreme Court cited supra that there are arguable points involved in the revision as contended by learned counsel for petitioners, and further the revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioners herein is entitled to the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and as the petitioners are directed to be enlarged on bail on condition that the the petitioners are report before the trial Court on the first working day of every month at 10.30 a.m. until further orders and the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the XV Metropolitan Magistrate, George Town, Chennai. The surrender of the petitioners before the trial Court is exempted. The petitioner shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m. until further orders.

A.D.JAGADISH CHANDIRA, J.

rkp/mrp



Crl.M.P. Nos.6703 & 6704 of 2019

in

Crl.R.C.No.461 of 2019

16.05.2019

WEB COPY