

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.6662 & 6663 of 2019

IN CRL RC.452/2019

1 RAMACHANDRAN [PETITIONERS]
2 MALARKODI
3 GOVINDARAJULU

Vs

1 SUGANTHI [RESPONDENT]
2 THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE,
CUDDALORE DISTRICT.
CR.NO.26 OF 2010.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the petitioner in conviction Judgment made in Crl.A.No.78 of 2018 dated 23.04.2019 by the Learned II Additional District and Sessions Court, Chidambaram by reversing the judgment made in C.C.No.78 of 2012 dated 22.11.2017 passed by the Learned District Munsif-cum Judicial Magistrate, Parangipettai and enlarge the petitioners on bail pending disposal of the Crl.R.C.No.452 of 2019. (Crl.M.P.No.6662 of 2019)

(ii) To exemption from surrender in the conviction Judgment made in Crl.A.No.78 of 2018 dated 23.04.2019 by Learned II Additional District and Sessions Court, Chidambaram. (Crl.M.P.No.6663 of 2019)

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.G.PUGAZHENTHI, Advocate for the petitioner, and of M/S.KRITIKA KAMAL P. Govt. Advocate (Crl. Side) on behalf of the 2nd Respondents, and of MRS.SUGANTHI, Advocate on behalf of the De-facto complainant, the court made the following order:-

Today Mrs.Suganthi, the second respondent herein (*de facto* complainant) is present. When this Court apprised her of her right to legal assistance, she stated that she would appear before this Court as Party in Person.

2. While, the petition in Crl.M.P.No.6662 of 2019 is to suspend the sentence imposed on the petitioners, by judgment and order dated 23.04.2019 passed in C.A.No.78 of 2018 on the file of the II Additional District and Sessions Court, Chidambaram, reversed by judgment and order dated 22.11.2019 passed in C.C.No.78 of 2012 on the file of the District Munsif-cum-Judicial Magistrate Court, Parangipettai and to enlarge the petitioners on bail, the petition in Crl.M.P.No.6663 of 2019 is to exempt the petitioners from surrender, pursuant to the said judgment, pending disposal of the revision petition.

3. It is seen that the petitioners were prosecuted in C.C.No.78 of 2012 before the District Munsif-cum-Judicial Magistrate Court, Parangipettai, for the offences under Sections 465, 468, 471 and 420 r/w 120(b) IPC and were acquitted of the said charges on 22.11.2017. Suganthi, the *de facto* complainant, filed an appeal in C.A.No.78 of 2018 under proviso to Section 372 Cr.P.C., in which, the learned II Additional District and Sessions Judge, Chidambaram, reversed the acquittal, by order dated 23.04.2019 and has convicted and sentenced them of the said offences to various terms of imprisonment, the maximum being three years rigorous imprisonment. Challenging the same, the petitioners have filed this present revision petition.

4. Heard Mr.G.Pugazhenth, learned counsel for the petitioners, Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the second respondent and Mrs.Suganthi, the *de facto* complainant.

5. The petitioners have raised substantial grounds in the revision petition which require detailed appraisal. Further, the revision petition is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail and also exemption from surrendering before the Sessions Court.

6. Accordingly, the relief of suspension of sentence and bail and exemption from surrendering before the Sessions Court is granted on the following conditions:

(i) The petitioners shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are ordered to be released on bail on they executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the District Munsif-cum-Judicial Magistrate Court, Parangipettai.

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the District Munsif-cum-Judicial Magistrate Court, Parangipettai, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioners shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision petition and if they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence, as directed by the Trial Court.

-sd/-

08/08/2019

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 II ADDITIONAL DISTRICT
AND SESSIONS COURT, CHIDAMBARAM.

2 THE DISTRICT MUNSIF-CUM
JUDICIAL MAGISTRATE, PARANGIPETTAI.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE,
CUDDALORE DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

+2 C.C. to M/S.G.PUGAZHENTHI Advocate on payment of necessary charges SR.NO.16597, 16598

Order

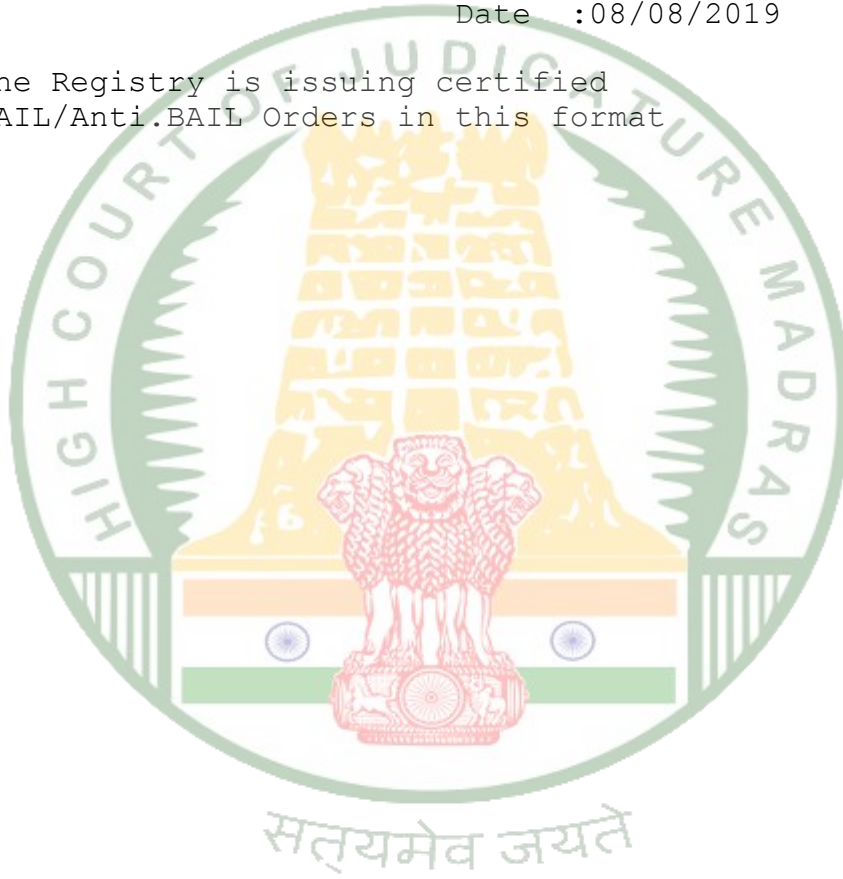
in
CRL MP.6662 & 6663/2019

in
CRL RC.452/2019

Date :08/08/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

TA-09/08/2019



WEB COPY