

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Third day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL MISCELLANEOUS PETITION Nos.6685 and 6686 of 2019

in CRL.R.C.No.456 of 2019

P.N.NAGARAJAN

[ PETITIONER  
in both petitions ]

Vs

THE INSPECTOR OF POLICE  
V5, THIRUMANGALAM POLICE STATION,  
CHENNAI-600 101.  
CRIME NO.2512 OF 1997

[ RESPONDENT  
in both petitions ]

Petition praying that in the circumstances stated therein the High Court will be pleased to

(i) suspend the sentence imposed in the judgment passed in CRL.Appeal No.88 of 2013 on the file of IV Additional Sessions Judge Chennai by its order dated 29.01.2019 and by confirming the order passed in C.C No.2082/2004 passed by X MM Egmore Chennai dated 22.03.2013 and enlarge him on bail till the disposal of the CRL.R.C.No.456 of 2019 [CRL.M.P.No.6685 of 2019]

(ii) Exempt the petitioner from surrendering before the 10th Metropolitan Magistrate, Egmore, in C.C.No.2082 of 2004 confirmed by the Judgment of the 4<sup>th</sup> Additional Sessions Judge, Chennai in CRL.A.No.88 of 2013 dated 29.01.2019 [CRL.M.P.No.6686 of 2019]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.V.VISWANATHAN, Advocate for the petitioner, in both petitions and of M/S.C.RAGHAVAN Government Advocate on behalf of the Respondent, in both petitions the court made the following order:-

This revision has been filed by the petitioner against the judgment passed in C.A.No.88 of 2013 dated 29.01.2019 on the file of the IV Additional Sessions Court, Chennai in confirming the order of conviction passed in C.C.No.2082 of 2004 dated 22.03.2013 on the file

of the Court of X Metropolitan Magistrate, Egmore, Chennai for the alleged offences under Sections 465, 419, 420 r/w 34 of I.P.C. to undergo rigorous imprisonment for a period of three years, under Section 419 of I.P.C. r/w 34 of I.P.C., 2 years rigorous imprisonment under Section 465 of I.P.C. r/w 34 I.P.C. and one year rigorous imprisonment and jointly imposed a compensation of Rs.5 lakhs for the offence under Section 420 of I.P.C. r/w 34 of I.P.C. to PW1 for depriving his property right for the past two decades in default rigorous imprisonment for four months.

2. The learned counsel for the petitioner has submitted that the petitioner was convicted under Sections 465, 419, 420 r/w 34 of I.P.C. to undergo rigorous imprisonment for a period of three years, under Section 419 of I.P.C. r/w 34 of I.P.C., 2 years rigorous imprisonment under Section 465 of I.P.C. r/w 34 I.P.C. and one year rigorous imprisonment and jointly imposed a compensation of Rs.5 lakhs for the offence under Section 420 of I.P.C. r/w 34 of I.P.C. to PW1 for depriving his property right for the past two decades in default rigorous imprisonment for four months. He further submitted that the appeal filed by the petitioner was also dismissed. He further submitted that there is no sufficient evidence to convict the petitioner. He further submitted that through out the trial and also during the pendency of the appeal, the petitioner was on bail and hence he requested to suspend the sentence.

3. The learned Government Advocate (Crl. side) has submitted that the petitioner herein is the accused No.1 and he committed the crime of depriving the property right of PW1 for the past two decades. He further submitted that the trial court, after taking into consideration the evidence adduced by the prosecution witnesses, convicted the petitioner and also the co-accused. He further submitted that the first appellate court after considering the materials confirmed the trial court judgment and sentence and hence he opposed the petition.

4. Taking into consideration of the value of the property involved in the case and also the fact that through out the trial and also during the pendency of the appeal, the petitioner was on bail and also the fact that the petitioner has paid the fine amount, this Court is inclined to suspend the sentence and grant bail by imposing the following conditions.

5. Accordingly, the sentence is suspended and the petitioner is directed to surrender before the trial Court within fifteen days from the date of receipt of a copy of this order and on such surrender he shall be released on bail on his executing 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 X Metropolitan

Magistrate, Egmore, Chennai and on further condition that he shall appear before the said Court on the 1<sup>st</sup> working day of every month until Crl.R.C.No.456 of 2019 is disposed of.

-sd/-  
23/05/2019

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 X METROPOLITAN MAGISTRATE  
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI [FOR INFORMATION]

3 THE IV ADDITIONAL SESSIONS  
JUDGE, CHENNAI

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE  
V5, THIRUMANGALAM POLICE STATION,  
CHENNAI-600 101

+2 C.C. to M/S.V.VISWANATHAN Advocate on payment of necessary charges SR.NO.10324,10325

सत्यमेव जयते  
Order

in  
CRL MP.Nos.6685 & 6686 of 2019  
in  
CRL.R.C.No.456 of 2019

Date :23/05/2019

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

cm 31/05/2019