

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.6678 and 6716 of 2019

in

CRL.R.C.No.455 of 2019

PRAVEEN KUMAR

[PETITIONER /2ND APPELLANT
in both petitions]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
B6 PEELAMEDU POLICE STATION,
COIMBATORE.

[RESPONDENT
in both petitions]

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

(i) sentence imposed by Judgment and conviction imposed in C.C.No.322 of 2014 dated 29.11.2018 on the file of the Judicial Magistrate VI Coimbatore as confirmed by judgment passed in C.A.No.543 of 2018 dated 15.04.2019 on the file of the I Additional District Session Judge at Coimbatore may be suspended pending disposal of the above CRL.R.C.No.455 of 2019 [CRL.M.P.No.6678 of 2019]

(ii) Exempt the petitioner from surrendering with reference to the conviction and Sentence imposed by Judgment in C.C.No.322 of 2014 dated 29.11.2018 on the file of the Judicial Magistrate VI Coimbatore as confirmed by judgment in C.A.No.543 of 2018 dated 15.04.2019 on the file of the I Additional District Session Judge at Coimbatore pending disposal of the above CRL.R.C.No.455 of 2019 [CRL.M.P.No.6716 of 2019]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of MR.HIMARANATH for M/S.S.MARSHALL, 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 second accused against the judgment passed in C.A.No.543 of 2018 dated 15.04.2019 on the file of the I Additional District Sessions Judge at Coimbatore in confirming the order of conviction passed in C.C.No.322 of 2014 dated 29.11.2018 on the file of the Judicial Magistrate VI at Coimbatore for an alleged offence under Section 380 of I.P.C. by sentencing the revision petitioner to undergo rigorous imprisonment for a period of three years and pay a fine of Rs.5,000/- in default to undergo a period of 30 days rigorous imprisonment.

2. The learned counsel for the petitioner has submitted that the petitioner was convicted under Section 380 of I.P.C. and sentenced to undergo three years rigorous imprisonment and fine of Rs.5,000/- in default to undergo thirty days rigorous imprisonment. 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.2 and he committed theft of three cell phones along with one Mahalingam. 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's judgment and sentence and hence he opposed the petition.

4. Taking into consideration the facts that the value of the property involved in the case and also through out the trial and 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 Judicial Magistrate No.VI at Coimbatore within 15 days from the date of receipt of 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 Judicial Magistrate No.VI at Coimbatore and he shall report before the Judicial Magistrate No.VI at Coimbatore on the first

working day of every month until disposal of the CRL.RC.No.455 of 2019.

-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 JUDICIAL MAGISTRATE NO.VI
COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE I ADDITIONAL DISTRICT SESSIONS JUDGE,
COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
B6 PEELAMEDU POLICE STATION,
COIMBATORE.

+1 C.C. to M/S.S.MARSHALL Advocate on payment of necessary charges SR.NO.10317

Order

in

CRL MP.Nos.6678 & 6716 of 2019

in

CRL.R.C.No.455 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 30/05/2019