

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.6787 of 2019

IN CRL RC.483/2019

SOUNDARARAJAN

[PETITIONER]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.
CR.NO.356 OF 2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.483/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in judgment made C.A.No.58 of 2018 dated 23.04.2019 by confirming the order of the Trial Court dated 13.07.2018 in C.C.No.115 of 2013 passed by the Learned Judicial Magistrate No.I, Virudhachalam, cuddalore district convicted by the Trial court for the offence under section 326 and sentenced him to undergo a period of 3 years regorous imprisonment and to pay a fine of Rs.2,000/-in default, the petitioner sentenced to udnergo 2 months simple imprisonment . The petitioner accused is convicted by the Trial court for the offences under section 506(ii) IPC for a period of 2 months. the sentence shall run concurrently and enlarge the petitioner on bail pending disposal of this criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.483/2019 on the file of the High Court and upon hearing the arguments of M/S.M.R.JOTHIMANIAN Advocate for the petitioner and of MR.KRITIKA KAMAL.P Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

It is the case of the prosecution that the petitioner herein had stabbed his wife with a pen-knife, resulting in greivous injuries to her. The petitioner was prosecuted in C.C.No.115 of 2013 before the Judicial Magistrate No.I, Virudhachalam for the offences under Section 294(b), 326 and 506 (ii) IPC and was convicted on 13.07.2018 and was sentenced to various terms of imprisonment, the maximum being three years rigorous imprisonment. Challenging the conviction and sentence, the petitioner preferred C.A.No.58 of 2018, which has been dismissed by the III Additional District and Sessions Judge,

Cuddalore (Virudhachalam) on 23.04.2019, challenging which, the petitioner has filed the present revision petition.

2.Heard Mr.M.R.Jothimanian, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the respondent.

3.Mr.M.R.Jothimanian submitted that the petitioner has surrendered to custody on 04.07.2019 and submitted a copy of the committal warrant.

4.Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the revision petition and further, the revision petition is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhachalam and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court on the first working day of every month until the disposal of the revision petition and if he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

-sd/-

08/07/2019

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
VIRUDHACHALAM, CUDDALORE DISTRICT

2 THE III ADDITIONAL DISTRICT
SESSIONS JUDGE, VIRUDHACHALAM, CUDDALORE

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE[FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT

+1 C.C. to M/S.M.R.JOTHIMANIAN Advocate on payment of necessary
charges SR.NO. 13669

Order
in
CRL MP.6787/2019
in
CRL RC.483/2019

Date :08/07/2019

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RD 12/07/2019

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