

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.8028 of 2019

IN CRL RC.595/2019

VINESH

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
M3 KOVILPALAYAM POLICE STATION,
COIMBATORE.
(CR.NO.99 OF 2016)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.595/2019 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence passed by the Judicial Magistrate No-II coimbatore in CC No.380 of 2016 and confirmed by the 1st Addl Dt and Sessions Court, Coimbatore in C.A.No.78 of 2019 till the disposal of the above Criminal revision.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.595/2019 on the file of the High Court and upon hearing the arguments of M/S.R.SIVAKUMAR, 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:-

The petitioner was convicted in C.C.No.380 of 2016 on 07.02.2019 by the Judicial Magistrate No.2, Coimbatore, for the offence under Section 392 IPC and was sentenced to undergo 3 years Rigorous imprisonment and fine of Rs.2,000/-.

2. It is the case of the prosecution that the petitioner along with one Manikandan, went by a motor cycle and committed chain snatching on 13.04.2016.

3. The appeal, Crl.A.No.78 of 2019, filed by the petitioner has been dismissed by the I Additional District and Sessions Judge, Coimbatore on 22.04.2019. Challenging the orders passed by the Courts below, the petitioner has filed the present revision petition and criminal miscellaneous petition seeking suspension of sentence.

4. Heard Mr.P.Sesubalan Raja, learned counsel for the petitioner and Mr.G.Ramali, learned Government Advocate (Crl. Side) for the

respondent.

5. It is reported that the petitioner has surrendered on 17.07.2019.

6. The learned counsel for the petitioner submitted that the petitioner is a B.com., graduate and he is aged about 25 years. He has also submitted that the victim had failed to identify the petitioner during trial.

7. Taking into consideration the facts and circumstances of the case and that the petitioner has 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 petitioner is entitled to the relief of suspension of sentence.

8. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) the petitioner shall execute 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 Judicial Magistrate No.II, Coimbatore.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.II, Coimbatore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) 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 their absence, as directed by the trial Court.

Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-

22/07/2019

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 I ADDITIONAL DISTRICT
CUM SESSIONS COURT, COIMBATORE

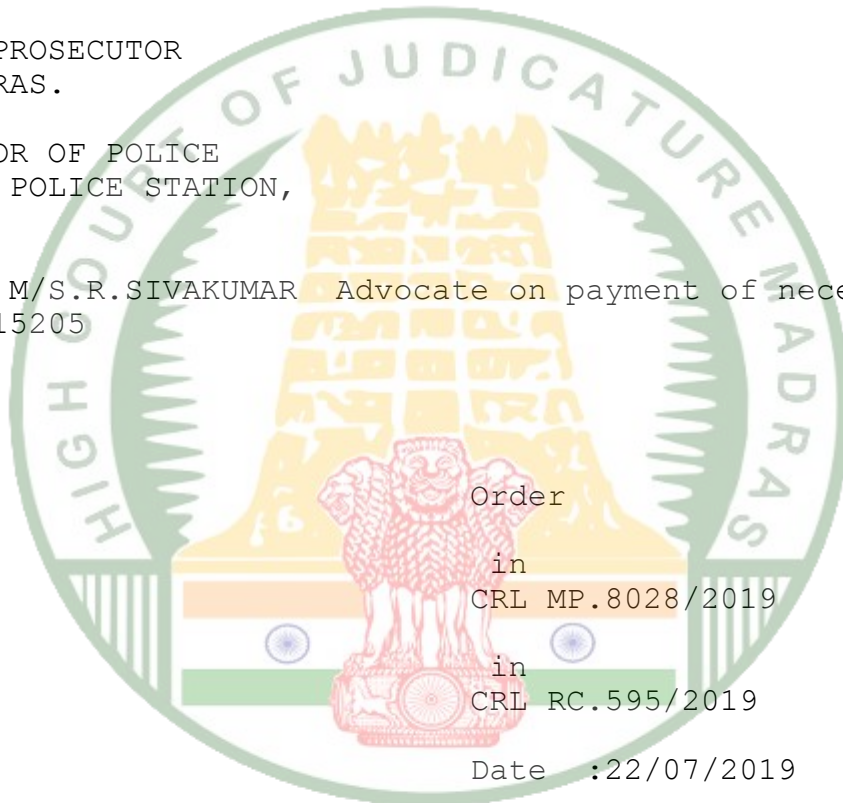
2 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
M3 KOVILPALAYAM POLICE STATION,
COIMBATORE.

+1 C.C. to M/S.R.SIVAKUMAR Advocate on payment of necessary
charges SR.NO. 15205



Order
in
CRL MP.8028/2019
in
CRL RC.595/2019

Date :22/07/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 26/07/2019

WEB COPY