

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.7493 of 2019

IN CRL.A.NO.335 OF 2019

JAMBU @ JAMBUKESWARAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
B2 THIRUVALLUR TALUK POLICE STATION,
TIRUVALLUR DISTRICT.
CR.NO.277 OF 2014

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.335/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned I Additional Sessions and District judge, Tiruvallur dated 28.02.2019 in SC No.179 of 2017 and enlarge the petitioner on bail pending disposal of the above appeal

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.335/2019 on the file of the High Court and upon hearing the arguments of M/S.R.JOHN SATHYAN Advocate for the petitioner and of MR.KRITIKA KAMAL.P Government Advocate on behalf of the Respondent the court made the following order:-

This petition is to suspend the sentence imposed on the petitioner, by judgment and order dated 28.02.2019 passed in S.C.No.179 of 2017 on the file of the I Additional District and Sessions Court, Tiruvallur.

2. The petitioner, who was an accused in S.C.No.179 of 2017 before the I Additional District and Sessions Court, Tiruvallur, was convicted under Section 306 IPC r/w Section 9 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and sentenced to undergo seven years rigorous imprisonment and fine of Rs.15,000/-, in default to undergo one year simple imprisonment. The Trial Court has further directed the accused to pay a sum of Rs.1,00,000/- as compensation to the victim (PW1) under Section 357 (3) Cr.P.C.

3. Challenging the same, the petitioner has preferred the above appeal and is seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the petitioner has paid the fine amount, but, has not paid the compensation amount of Rs.1,00,000/-.

5. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. Moreover the petitioner has been in incarceration. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the relief of suspension of sentence and bail is granted on the following conditions:

(i) The petitioner shall deposit a sum of Rs.1,00,000/- within four weeks from the date of receipt of a copy of this order before the Trial Court.

(ii) On such deposit, the Trial Court shall re-deposit the amount in a fixed deposit account in any nationalized bank so that the amount with accrued interest can be disbursed either to the complainant or to the accused, depending upon the outcome of this criminal appeal.

(iii) Thereafter, 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.I, Tiruvallur.

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

(v) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the criminal appeal 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/-

22/08/2019

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 I ADDITIONAL DISTRICT AND
SESSIONS COURT, TIRUVALLUR

2 THE JUDICIAL MAGISTRATE,
NO.I, TIRUVALLUR

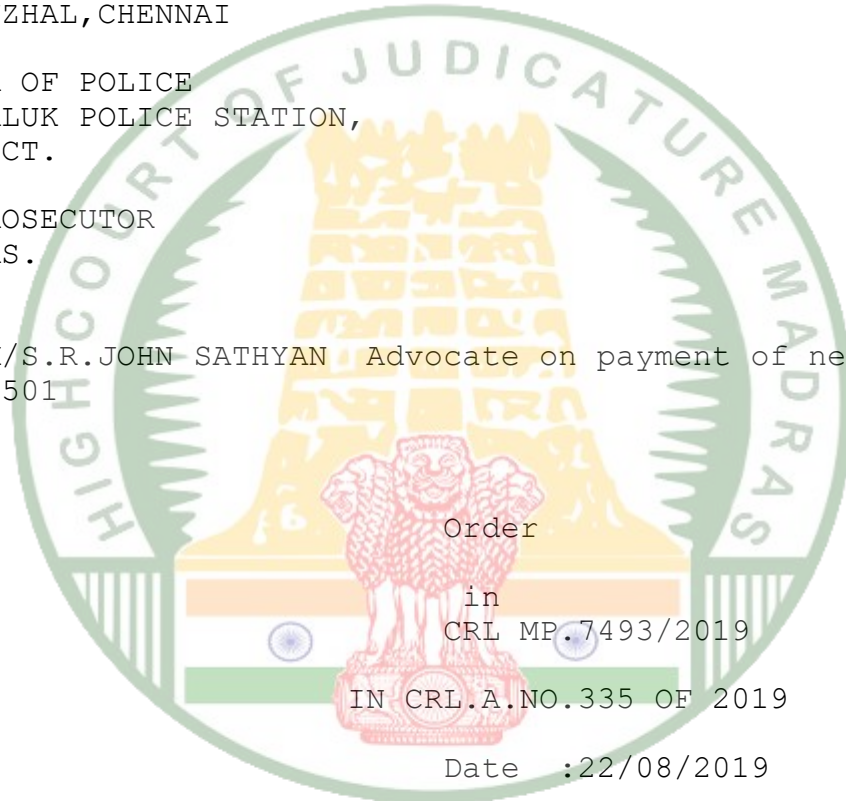
3 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR[FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL,CHENNAI

5 THE INSPECTOR OF POLICE
B2 THIRUVALLUR TALUK POLICE STATION,
TIRUVALLUR DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.R.JOHN SATHYAN Advocate on payment of necessary
charges SR.NO. 17501



From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 26/08/2019

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