

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.7325 of 2019

IN CRL.RC.NO.541 OF 2019

A.PAPPATHIAMMAL

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP. BY, [RESPONDENT]
DEPUTY SUPERINTENDENT OF POLICE,
CRIME INVESTIGATION DEPARTMENT,
CBCID, METRO WING,
CHENNAI-600 016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.541 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned V Additional Sessions Judge, Chennai in C.A.No.166 of 2015 dated.20.03.2019 confirming the judgment of the learned XI Metropolitan Magisterial, Saidapet, Chennai in C.C No.1918/2014 dated.23.07.2015 sentencing to undergo 2 years S.I and fine of Rs.500/- i/d 6 months S.I for the offence u/s 465 r/w 114 of IPC, 3years R.I. and fine of Rs.500/-i/d 6 months S.I for the offence u/s 471 r/w 468 of IPC, 3 years R.I and fine of Rs.500/- i/d 6 months S.I for the offence u/s 420 IPC, 3 years S.I for the offence u/s 419 IPC, 2 years S.I for the offence u/s 465 IPC, 3 years R.I and fine of Rs.500/- i/d 6 months S.I offence u/s 467 IPC, 3years R.I and fine of Rs.500/- i/d 6 months S.I u/s 468 IPC and enlarge the Petitioner / Appellant / Accused in bail pending above CRL.RC.NO.541 OF 2019 [IN CRL.7325 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.541 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.G.BALASUBRAMANIAM, Advocate for the petitioner and of M/S. KRITIKA KAMAL P, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition is filed seeking to suspend the sentence imposed on the petitioner, by judgment and order dated 23.07.2015 passed in C.C.No.1918 of 2014 on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai, confirmed by the judgment and order dated 20.03.2019 passed in C.A.No.166 of 2015 on the file of the V Additional Sessions Court, Chennai.

2. The petitioner, who was the second accused in C.C.No.1918 of 2014 before the XI Metropolitan Magistrate Court, Saidapet, Chennai, was convicted of the offences under Sections 465 r/w 114, 471 r/w 468, 420, 419, 465, 467 and 468 IPC and sentenced to undergo various terms of imprisonment, the maximum being three years rigorous imprisonment.

3. The appeal in C.A.No.166 of 2015 filed by the petitioner has been dismissed by the V Additional Sessions Court, Chennai, on 20.03.2019.

4. Challenging the orders passed by the Courts below, the petitioner is before this Court.

5. The petitioner has raised substantial grounds in the revision petition 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 from 22.05.2019. 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 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 XI Metropolitan Magistrate Court, Saidapet, Chennai.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the XI Metropolitan Magistrate Court, Saidapet, Chennai, 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 at 10.30 a.m. until the disposal of the 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

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XI, SAIDAPET, CHENNAI.

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

3 THE V ADDITIONAL SESSIONS JUDGE,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, [SPECIAL PRISON FOR WOMEN]
PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE DEPUTY SUPERINTENDENT OF POLICE,
CRIME INVESTIGATION DEPARTMENT, CBCID,
METRO WING, CHENNAI-600 016.

+1C.C. to M/S.G.BALASUBRAMANIAM Advocate on payment of
necessary charges SR NO.17569

Order

in

CRL MP.7325/2019

in

CRL RC.541/2019

Date :22/08/2019

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copies of the BAIL/Anti.BAIL Orders in this format

MK:28/08/2019

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