

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.8024 of 2019

in CRL RC.No.594 of 2019

1 VIJI @ VIJAYARAJ
2 BALAMURUGAN
3 KOLANCHI

[PETITIONERS/APELLANTS]

Vs

STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT
CRIME NO.376 OF 2001.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.No.594 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the petitioners in the impugned Judgment dated 30.04.2019 passed in C.A.No.39 of 2017 by the learned I Additional District and Sessions Judge, Cuddalore while confirming the Judgment dated 22.03.2017 passed in C.C.No.370 of 2009 by the Learned Judicial Magistrate No.II, Panruti, pending disposal of the above CRL RC.No.594 of 2019

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.No.594 of 2019 on the file of the High Court and upon hearing the arguments of M/S.ARUN ANBUMANI, Advocate for the petitioners, and of M/S.KRITIKA KAMAL .P Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The petitioners were convicted in C.C.No.370 of 2009 on 22.03.2017 by the Judicial Magistrate No.II, Panruti for the offence under Sections 452 and 324 IPC and were sentenced to various terms of imprisonment. The petitioners preferred C.A.No.39 of 2017, in which, the I Additional District and Sessions Judge, Cuddalore confirmed the conviction on 30.04.2019, but modified the sentence as follows :

<i>Array of parties</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Viji @ Vijayaraj (A1) Balamurugan (A2) Kolanchi (A3)	Section 452 IPC	6 months simple imprisonment each and to pay fine of Rs.1,000/- each, in default to undergo simple imprisonment for one month each
Viji @ Vijayaraj (A1)	Section 324 IPC	3 months simple imprisonment

Challenging the orders passed by the Courts below, the petitioners have filed the present revision petition seeking suspension of sentence and bail.

2.Learned counsel for the petitioners submitted that the petitioners are in incarceration from 08.07.2019.

3.Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioners that there are several infirmities in the prosecution case in respect of the petitioners 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 petitioners herein are entitled to the relief of suspension of sentence.

4.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are ordered to be released on bail on they executing a bond individually for a sum of Rs.10,000/- each, with two common sureties (since the petitioners are siblings), of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Panruti 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 Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioners shall appear before the trial Court on the first working day of every month until the disposal of the revision petition and if they are not able to appear before the trial Court on any day, they 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.

-sd/-
09/07/2019

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.II,
PANRUTI, CUDDALORE DISTRICT

2 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION
CUDDALORE

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

+2 C.C. to M/S.ARUN ANBUMANI Advocate on payment of necessary charges SR.NO.13834

सत्यमेव जयते Order

in
CRL MP.8024/2019

in
CRL RC.594/2019

Date :09/07/2019

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cm 09/07/2019