

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Ninth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.9292 of 2019

IN CRL.R.C.NO.667 of 2019

KUMAR

[PETITIONER]

Vs

STATE REP BY
THE INSPECTOR OF POLICE

[RESPONDENT]

THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence of imprisonment made in C.A.No.15 of 2016 on the file of the Principal District Court, Thiruvannamalai convicting the petitioner under Section 279 of I.P.C. To pay fine of Rs.1000/- and i/d to undergo simple imprisonment for a period of 4 weeks and under section 338 of I.P.C. To pay fine of Rs.800/- and i/d undergo simple imprisonment for a period of 4 week and under section 302(A) of I.P.C. To undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.1,000/- and i/d to undergo simple imprisonment for a period of 1 month confirming the order in C.C.No.308/2013 Judicial Magistrate No-1, Thiruvannamalai.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.J.LENIN, 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:-

The petitioner was convicted by the Judicial Magistrate No.1, Thiruvannamalai, in C.C.No.308 of 2013 on 12.05.2016 for the offences under Sections 279, 338 and 304-A IPC and was sentenced to undergo various terms of imprisonment, the maximum being one year Rigorous Imprisonment for the offence under Section 304-A IPC. The petitioner filed C.A.No.15 of 2016 before the Court of Sessions, Thiruvannamalai, which has been dismissed on 13.06.2019. Challenging the conviction and sentence, the petitioner has preferred the present revision and Crl.MP.No.9292 of 2019 seeking suspension of sentence and bail.

2. The petitioner has surrendered on 26.07.2019 and is in custody since then. The petitioner has raised substantial grounds in the revision, which require detailed appraisal. Further, the revision 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.

3. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on he 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 Judicial Magistrate No.I, Thiruvannamalai, and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.I, Thiruvannamalai, may obtain a copy of their Aadhar 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 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/-
29/07/2019

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, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE PRINCIPAL DISTRICT COURT,
THIRUVANNAMALAI

+1 C.C. to M/S.J.LENIN Advocate on payment of necessary charges
SR.NO.15631

Order

in
CRL MP.9292/2019
in
CRL.R.C.NO.667/2019

Date :29/07/2019

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TA-29/07/2019



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