

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 NOS.9495 & 9925 OF 2019

IN CRL RC.683/2019

T.KUSELAN @ PADMANABAN

[PETITIONER / RESPONDENT / ACCUSED]

Vs

P.SAKTHIVEL

[RESPONDENT / APPELLANT / COMPLAINANT]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.683/2019 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence imposed on the Petitioner in C.A.No.38 of 2018 by the Additional District Judge, (Fast Track Court) Vellore, Vellore District, order dated 15.03.2019 reversing the judgement made in C.C.No.87 of 2011 by the Judicial Magistrate(FTC) at Vellore, order dated 22/05/2012 and enlarge the petitioner on bail IN CRL RC.683/2019 [IN CRL.MP.NO.9495 OF 2019]

[ii] Exempt the petitioner from surrendering at the time of surety by suspending the sentence in C.A.No.38 of 2018 by the Additional District Judge, (Fast Track Court), Vellore, Vellore District, order dated 15.03.2019 reversing the judgement made in C.C.87 of 2011 by the Judicial Magistrate(FTC) at Vellore, order dated 22/05/2012 IN CRL RC.683/2019 [IN CRL.MP.NO.9925 OF 2019]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.683/2019 on the file of the High Court and upon hearing the arguments of M/S.S.THIRUVENGADAM Advocate for the petitioner, the court made the following order:-

While, the petition in Crl.M.P.No.9495 of 2019 is to suspend the sentence imposed on the petitioner, by judgment and order dated 15.03.2019 passed in C.A.No.38 of 2018 on the file of the Additional District Court (Fast Track Court), Vellore, reversed by judgment and order dated 22.05.2012 passed in C.C.no.87 of 2011 on the file of the Judicial Magistrate (Fast Track Court), Vellore and to enlarge the petitioner on bail, the petition in Crl.M.P.No.9925 of 2019 is to exempt the petitioner from surrendering before the Courts below, pursuant to the said judgment, pending disposal of the revision petition.

2. The petitioner was acquitted by the Trial Court, which has been reversed by the Appellate Court. Challenging the conviction and sentenced slapped by the Appellate Court, the petitioner is before this Court.

3. 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 and bail and also exempted from surrendering before the Sessions Court.

4. Accordingly, the relief of suspension of sentence and bail and also exemption from surrendering before the Sessions Court is granted on the following conditions:

(i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, 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) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate (Fast Track Court), Vellore.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate (Fast Track Court), Vellore, 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 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 his absence, as directed by the Trial Court.

-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 ADDITIONAL DISTRICT JUDGE,
[FAST TRACK COURT], VELLORE,
VELLORE DISTRICT.

2 THE JUDICIAL MAGISTRATE,
[FAST TRACK COURT], VELLORE.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

+1C.C. to M/S.S.THIRUVENGADAM Advocate on payment of necessary
charges SR NO.15020

Order

in
CRL MP.9495 & 9925 OF 2019

in
CRL RC.683/2019

Date :22/07/2019

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

MK:29/07/2019



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