

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.9656 & 9657 of 2019

IN CRL RC.689/2019

1 PERIYASAMY [PETITIONER]
2 SANTHI
3 KOWSHIKAN
4 MANIAL @ THANGAMANI
5 PUSHPA @ PUSHPAGANDHI
6 MEENAKSHI

Vs

THE STATE REP. BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
KODUMUDI POLICE STATION,
ERODE DISTRICT.
(CR.NO.416 OF 2013)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No. on the file of the High Court, the High Court will be pleased to

[i]suspend the sentence of imprisonment imposed on the petitioner in the judgment dt 05.07.2019 made in CA No.23 of 2019 on the file of the learned Principal Sessions Court, Erode by modifying the judgment dt 24.12.2018 made in CC No.9 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi and enlarge the petitioner on bail pending disposal of the above criminal Revision Petition.[CRL.MP.NO.9656/2019]

[ii]grant an order of exemption from surrendering before the trial court pursuant to the judgment dt 05.07.2019 made in CA No.23 of 2019 on the file of the learned Principal Sessions Court, Erode by partly modifying the sentence imposed in the judgment dt 24.12.2018 made in C.C.No.9 of 2014 on the file of the learned District Munsif Cum Judicial Magistrate, Kodumudi pending disposal of the above Revision Petition.[CRL.MP.NO.9657/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No. on the file of the High Court and upon hearing the arguments of M/S.MANO HARAN N. Advocate for the petitioner and of MR.KRITIKA KAMAL.P. Government Advocate[crl.side] on behalf of the Respondent

the court made the following order:-
<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner was convicted in C.C.No.9 of 2014 on 24.12.2018 by the District Munsif cum Judicial Magistrate, Kodumudi, for the offences under Sections 148 and 325 IPC and was sentenced to undergo various terms of imprisonment maximum being 1 year Simple Imprisonment. The appeal, in C.A.No.23 of 2019, filed by the petitioner has been dismissed by the Principal Sessions Judge, Erode on 05.07.2019, aggrieved by which, the petitioner has filed the present revision petition and Crl.MP.No.9656 of 2019 seeking suspension of sentence and bail.

2. The learned counsel for the petitioner submitted that the petitioner is 77 years old and has surrendered to custody on 18.07.2019.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

4. 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 District Munsif cum Judicial Magistrate, Kodumudi, and on further condition that:

(i) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the District Munsif cum Judicial Magistrate, Kodumudi, 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 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.

In view of the above, Crl.M.P.No.9657 of 2019 seeking to exempt the petitioner from surrendering before the Trial Court is dismissed.

-sd/-
19/07/2019

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KODUMUDI

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE
ERODE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
KODUMUDI POLICE STATION,
ERODE DISTRICT.

+1 C.C. to M/S.MANOCHARAN N. Advocate on payment of necessary
charges SR.NO. 14870

Order

in
CRL MP.9656 & 9657 /2019

in
CRL RC.689/2019

Date :19/07/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 19/07/2019

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