

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.9688 of 2019

IN CRL.A.NO.672 OF 2018

VELAN

[PETITIONER]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARNI,
CR.NO.385/2016.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.672/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in the Judgment dated 20.07.2018 in SC.No.65/2012 on the file of the learned Fast Track Mahila Judge, Tiruvannamalai and release the petitioner on bail in Crl.A.No.672 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.672/2018 on the file of the High Court and upon hearing the arguments of M/S.A.NOWFAL 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:-

Heard Mr.A.Nowfal, learned counsel for the petitioner and Ms.Kritika Kamal.P, learned Government Advocate (Crl.Side) for the respondent.

2. The petitioner was charged for the offence under Section 498 (A) and 307 IPC in S.C.No.65 of 2012 on the file of the learned Fast Track Mahila Judge, Tiruvannamalai but has been convicted on 20.07.2018 for the offence under Section 498(A) and 324 IPC and has been sentenced to various terms of imprisonment, the maximum being three years of simple imprisonment under Section 498(A). The trial Court had suspended the sentence under Section 389(3) Cr.P.C. for a period of one month for the petitioner to obtain necessary orders from this Court under Section 389(1) Cr.P.C.

3. It is also reported that since the petitioner did not obtain the orders under Section 389(1) Cr.P.C. from this Court within one month from the date of order passed by the trial Court, warrant has

been issued to secure him.

4. The learned counsel for the petitioner submitted that the petitioner is working in Indian Army and was posted in Bihar. Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner that there are several infirmities in the prosecution case and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Taking into consideration, the fact that the petitioner is an army man, this Court directs the recall of warrant on condition that the petitioner shall surrender before the trial Court within two months from the date of receipt of a copy of this order. On such surrender, the warrant shall be recalled and the petitioner shall be released on bail. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his 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 learned Fast Track Mahila Judge, Tiruvannamalai and on further condition that:

(i) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Mahila Judge may obtain a copy of their Aadhaar 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 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/-
18/07/2019

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 FAST TRACK MAHILA JUDGE
TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARNI,

+1 C.C. to M/S.A.NOWFAL Advocate on payment of necessary
charges SR.NO. 14818

Order

in
CRL MP.9688/2019

IN CRL.A.NO.672 OF 2018

Date :18/07/2019

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RD 22/07/2019