

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13190 of 2019

IN CRL.R.C.NO.918 OF 2019

RAJI @ VARADHARAJI @ KAIPILLAI RAJI, [PETITIONER]

vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VIKKIRAVANDI POLICE STATION,
VILLUPURAM DISTRICT.

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 suspend the sentence imposed against the petitioner by the Sub Divisional Executive Magistrate Court, Villupuram dated 28.08.2019 in M.C.No.468 of 2019 and release the petitioner on bail pending disposal of the said criminal revision case No.918 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.918/2019 on the file of the High Court and upon hearing the arguments of M/S.V.MURUGESAN, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed, seeking suspension of sentence and to enlarge the Petitioner on bail, in connection with the order dated 28.08.2019, passed by the Sub Divisional Executive Magistrate Court, Villupuram District in MC.No.468/2019.
- 2.This Court heard the learned counsel on either side and also perused the materials placed on record.
- 3.The case of the Prosecution is that the Petitioner had executed a bond under section 110 of Cr.P.C before the Sub Divisional Executive Magistrate and Revenue Divisional Officer, Villupuram on 03.04.2019 to maintain peace for a period of one year. However, during the pendency of the bond, the petitioner had committed offences punishable under Section 294(b), 189, 353, 506(ii), 307 of IPC in respect of which a case in Cr.No.314/2019 was registered on 31.07.2019 and he was arrested and remanded to judicial custody.. While he is in custody of the respondent issued show cause notice

to cancel the bond under section 122(1)(b) of Cr.P.C. The petitioner was not able to reply to the notice due to his confinement in jail and he was produced before the Sub divisional Executive Magistrate, Villupuram and the said bond was cancelled and the respondent directed the petitioner to undergo 10 months imprisonment. Hence, the present Criminal Revision has been filed, along with the above criminal miscellaneous petition, seeking suspension of sentence.

4. The learned counsel for the Petitioner/accused would submit that order has been passed without following principles of natural justice and without affording proper opportunity to the petitioner to defend his case. He would submit that there are arguable points available in the Criminal Revision Case and that he has also been granted bail in Cr.No.314/2019 by the learned Sessions Judge, Villupuram Sessions Division, in CrI. MP.No.5805/2019 dated 29.08.2019 and due to the impugned order the petitioner is languishing in jail.
5. The learned Additional Public Prosecutor would vehemently oppose for granting suspension of sentence.
6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, the substantive sentence of imprisonment imposed on the Petitioner/ accused alone is hereby suspended, till the disposal of the Criminal Revision Case and the Petitioner/ accused is hereby ordered to be enlarged on bail on the following conditions:-
 - i. The Petitioner/ accused shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum, to the satisfaction of the Judicial Magistrate No.I, Villupuram.
 - ii. The Petitioner//accused shall report before the Sub Divisional Executive Magistrate Court, Villupuram District on every Monday at 10.30 a.m., until further orders.

-sd/-
16/09/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

WEB COPY
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUB DIVISIONAL EXECUTIVE
MAGISTRATE COURT,
<https://hcservices.ecourts.gov.in/hcservices/>
VILLUPURAM DISTRICT

2 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM

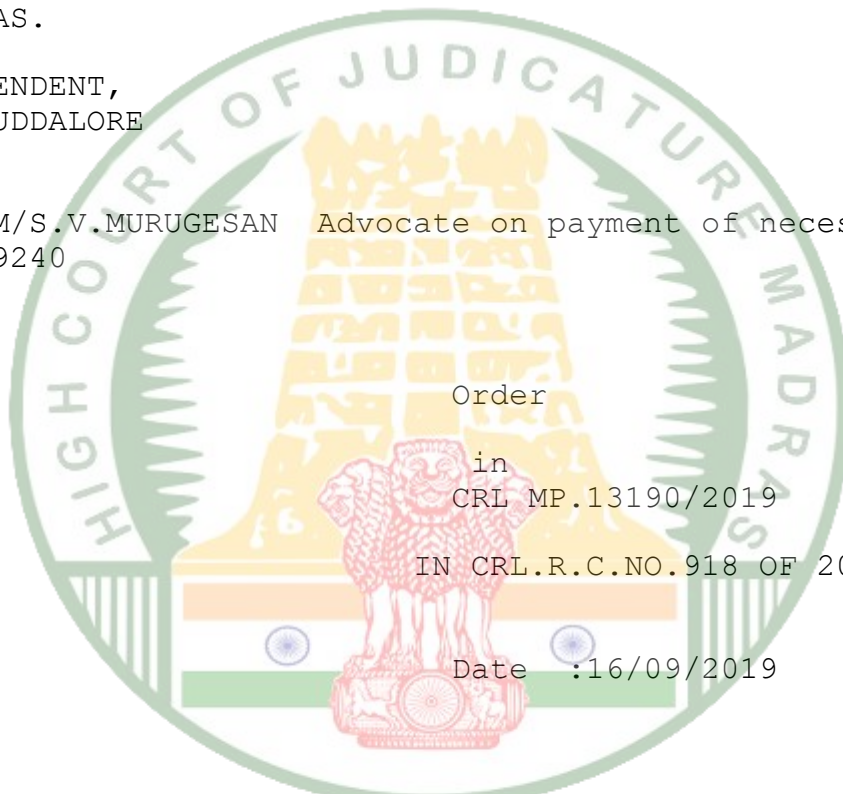
3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
VIKKIRAVANDI POLICE STATION,
VILLUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

+1 C.C. to M/S.V.MURUGESAN Advocate on payment of necessary
charges SR.NO. 19240



Order

in
CRL MP.13190/2019

IN CRL.R.C.NO.918 OF 2019

Date :16/09/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 17/09/2019

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