

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.12995 of 2019

IN CRL.A.NO.594 OF 2019

RAGUNATH

[APPELLANT / ACCUSED]

Vs

STATE BY

[RESPONDENT / COMPLAINANT]

SUB-INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION (L AND O),
T.NAGAR, CHENNAI,
(CRIME NO.518/2017).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.594/2019 on the file of the High Court, the High Court will be pleased to suspend his sentence passed in S.C.No.270 of 2017 on the file of the Sessions Judge, Mahila Court / Special Court for Cases under POCSO Act / Children's Court, at Chennai, by judgment dated 30.07.2019 and enlarge him on bail, pending disposal of the Crl.A.No.594/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.594/2019 on the file of the High Court and upon hearing the arguments of M/S.K.V.RAMESH, Advocate for the petitioner and of MR.K.PRABHAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

(Order of the Court was made by M.M.SUNDRESH,J)

The petitioner has been arrayed as sole accused in S.C.No.270 of 2017 on the file of Court of Sessions Judge, Mahila Court/Spl. Court for cases under POCSO Act/Children's Court, Chennai. The trial Court, by judgment dated 30.07.2019 convicted the petitioner for the offence punishable under Sections 341, 307 and 506(i) IPC and for the offence punishable under Section 341 IPC, directed to pay a fine of Rs.500/-, in default, to undergo one month simple imprisonment, for the offence punishable under Section 307 IPC, sentenced him to undergo ten years simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment and for the offence punishable under Section 506(i) IPC, sentenced

him to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment and ordered the sentences to run concurrently. Seeking suspension of sentence imposed, the present petition has been filed.

2. The case of the prosecution is that the petitioner and the victim were working as Engineers in Ashok Leyland. The petitioner made overture, which was rejected by the victim. Thereafter, she made a complaint to the Management. The petitioner was accordingly, removed from the job. Enraged over it, the petitioner boarded the bus in which the injured victim was travelling and attacked her with a knife, causing simple injury. She was admitted in the Hospital and thereafter discharged within two days. Though the Accident Register would suggest that it was a simple injury, which was accordingly modified to that of the grievous injury based upon the subsequent Doctor certificate given.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been under incarceration from 30.07.2019 onwards. The injured victim has been discharged after two days. There is a contradiction with respect to the nature of injuries sustained. The initial report suggests only as simple injury. There is discrepancy with respect to the timing of the occurrence and the arrest. Hence the sentence imposed will have to be suspended.

4. The learned Additional Public Prosecutor appearing for the State would submit that inasmuch as the motive has been established coupled with the existence of eye witness, the trial Court, based on the materials available rightly convicted the petitioner and therefore, this petition will have to be dismissed.

5. The major offence is one under Section 307 IPC. Admittedly, the victim has been discharged after two days. We do find arguable points in the appeal. Considering the same coupled with the period of incarceration of the petitioner, we are inclined to suspend the sentence. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the XVII Metropolitan Magistrate, Saidapet, Chennai and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.00 a.m., pending appeal.

-sd/-
30/10/2019

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

TRUE COPY

TO

1 THE SESSIONS JUDGE,
MAHILA COURT/SPECIAL COURT FOR CASES UNDER
POCSO ACT/CHILDRENS COURT, AT CHENNAI.

2 THE METROPOLITAN MAGISTRATE
NO.XVII, SAIDAPET, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE SUB-INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION (L AND O),
T.NAGAR, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+3 C.C. to M/S.K.V.RAMESH Advocate on payment of necessary
charges SR.No.22268

Order

in
CRL MP.12995/2019

in
CRL.A.594/2019

Date :30/10/2019

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