

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12889 of 2019

IN CRL.RC.NO.888 OF 2019

P.SARAVANAN

[PETITIONER]

vs

THE S.H.O
PANRUTI POLICE STATION,
CUDDALORE DISTRICT
(CR.NO.279/2010)

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend sentence imposed by the I Additional District and Sessions Judge, Cuddalore in Crl.A.20/2018, dated 30.04.2019 modifying the sentence on the petitioner by JM I, Panruti in C.C.No.60/10 dated 23.02.2018 pending disposal of the above Crl.revision petition.[CRL.MP.NO.12889/2019]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.P.KANNAN KUMAR 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 by the petitioner/accused, seeking suspension of sentence of conviction, imposed by the judgment, dated, 30.04.2019, made in Crl.A.No.20/2018, by the learned I Additional District and Sessions Court, Cuddalore, confirming the order of conviction passed in C.C.No.60/2010, dated 23.02.2018, by the learned Judicial Magistrate No.I, Panruti, pending disposal of the Criminal Revision Case.
- 2.This court heard the learned counsel on either side and also perused the materials placed on record.
- 3.In and by the impugned the impugned judgment, the Petitioners/accused were convicted and sentenced for the offences under Section 325 of IPC and sentenced to undergo simple imprisonment for six months and to pay a fine of 2,000, in default, to undergo simple imprisonment for one month.
- 4.The learned counsel for the petitioner would submit that the trial Court had convicted the petitioner for offences under Section 325 of IPC and sentenced to undergo simple imprisonment for one year and six months and to pay a fine of Rs.2,000, in default, simple

imprisonment for one month. He would further submit that the petitioner along with six other accused were tried for offences under Sections. 147, 148, 341, 324, 326, 352 and 506(ii) IPC and during the course of trial, the sixth accused passed away and the charges against him got abated. The case against the third accused was split up and tried in C.C.No.177 of 2016. The petitioner alone was convicted by the trial Court under Section 325 of IPC and directed to undergo one year and six months simple imprisonment and to pay a fine of 2,000, in default, to undergo simple imprisonment for one month.

5. The learned counsel for the petitioner/A1 would submit that on appeal filed by the petitioner, the Appellate Court, while confirming the conviction, modified the order of the Trial Court that the petitioner / A1 was sentenced to undergo simple imprisonment for six months and to pay a fine of 2,000, in default, to undergo simple imprisonment for one month.
6. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and that the petitioner/accused has got a fair chance of succeeding in the Criminal revision and that the petitioner/accused has surrendered before the Trial Court and that the fine amount has been paid and hence, the substantive sentence imposed against the Petitioner/accused may be suspended.
7. The learned Additional Public Prosecutor has raised objections for suspending the sentence.
8. 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, till the disposal of the Criminal Revision Case, the substantive sentence of imprisonment alone is suspended and the petitioner/accused is ordered to be enlarged on bail, on the following conditions:-
 - i. The petitioner/accused shall execute 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 learned Judicial Magistrate No.I, Panruti.
 - ii. The Petitioner/accused shall report before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

18/11/2019

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 I ADDITIONAL DISTRICT AND
SESSIONS COURT, CUDDALORE

2 THE JUDICIAL MAGISTRATE,
NO.I, PANRUTI

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

5 THE S.H.O
PANRUTI POLICE STATION,
CUDDALORE DISTRICT
(CR.NO.279/2010)

+2 C.C. to M/S.P.KANNAN KUMAR Advocate on payment of necessary
charges SR.NO. 23683

Order

in
CRL MP.12889/2019

IN CRL.RC.NO.888 OF 2019

Date :18/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 18/11/2019

सत्यमेव जयते

WEB COPY