

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of September Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12806 of 2019

IN CRL RC.876/2019

1 VIGNESH
2 MANOHARAN

[PETITIONERS]

Vs

THE STATE REP BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
KATTUMANNARKOIL POLICE STATION,
KATTUMANNARKOIL,
CUDDALORE DISTRICT.
CRIME NO.224 OF 2018

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.876/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners in conviction Judgment made in Crl.A.No.19/2019 dated 26.07.2019 by the learned II Additional District and Sessions Court, Chidambaram and in C.C.No.62/2018 dated 22.01.2019 by the learned District Munsif Cum Judicial Magistrate, Kattumannarkoil, and enlarge the petitioners on bail CRL RC.876/2019 [IN CRL.MP.NO.12806 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.876/2019 on the file of the High Court and upon hearing the arguments of M/S.G.PUGAZHENTHI, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

1.This Criminal Miscellaneous Petition has been filed by the Petitioners/Accused, seeking suspension of sentence of imprisonment, imposed in the judgment, dated 22.01.2019, made in CC.No.62 of 2018, by the learned District Munsif cum learned Judicial Magistrate, Kattumannarkoil, Cuddalore District, as confirmed in the judgement dated 26.07.2019, made in Crl.A.No.19/2019, by the learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District, 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 judgement of the Trial Court, the Petitioner/ accused was convicted and sentenced for the offence under Section 379 of IPC to undergo simple imprisonment for two years and to pay a fine of Rs.5,000/-, in default, to undergo two months simple imprisonment and for the offence under section 430 IPC to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/-, in default, to undergo two months simple imprisonment. In the appeal, the lower appellate court had confirmed the judgement of the Trial Court.

4. According to the learned counsel for the Petitioner/accused, 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 the Petitioner/ accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended.

5. The learned Additional Public Prosecutor has raised objections for suspending the 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, 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 District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District.

ii. The Petitioner/accused shall report before the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District, on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

17/09/2019

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

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KATTUMANNARKOIL.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE II ADDITIONAL DISTRICT
AND SESSIONS COURT, CHIDAMBARAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
KATTUMANNARKOIL POLICE STATION,
KATTUMANNARKOIL, CUDDALORE DISTRICT.

+1C.C. to M/S.G.PUGAZHENTHI Advocate on payment of necessary
charges SR NO.19373

Order

in
CRL MP.12806/2019

in
CRL RC.876/2019

Date :17/09/2019

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

MK:17/09/2019

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