

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of September Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12953 of 2019

IN CRL.R.C.NO.898 of 2019

MUTHUVEL

[PETITIONER]

Vs

UNION OF INDIA REP.BY
THE INSPECTOR
RAILWAY POLICE FORCE,
VILLUPURAM JUNCTION.
CR.NO.02/2004.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence of imprisonment imposed in judgment dated 25.10.2018 made in C.C.No.116 of 2005 on the file of the Judicial Magistrate No.I (Railway), Cuddalore and which was modifying in the judgment dated 28.06.2019 made in C.A.No.113 of 2018 on the file of the I Additional District and Sessions at Cuddalore and enlarge the petitioner on bail pending disposal of the above Crl.R.C.No.898 of 2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.M.GURUPRASAD, Advocate for the petitioner, and of M/S.P.T.RAMKUMAR, Advocate 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 imprisonment, imposed by the judgement dated 25.10.2018, made in C.C.No.116/2005, by the Judicial Magistrate No.I (Railway), Cuddalore, as modified the judgment dated 28.06.2019 in C.A.No.113/2018 by the I Additional District and Sessions Judge, Cuddalore 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.

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3.In and by the impugned judgement, the Petitioner / accused was

convicted for the offence under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966 and sentenced to undergo Rigorous Imprisonment for Two Years and shall pay a fine of Rs.10,000/- in default Simple Imprisonment for Three months in terms of Section 325 Cr.P.C.

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 and he would submit that the petitioner has surrendered before the trial Court on 16.09.2019.

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.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I (Railway), Cuddalore,

The Petitioner/accused shall report before the Judicial Magistrate No.I (Railway), Cuddalore, on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

19/09/2019

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, JUDGE, CUDDALORE.

2 THE JUDICIAL MAGISTRATE,
NO.I, (RAILWAY) CUDDALORE.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

<https://hcservices.ecourts.gov.in/hcservices/>

4 THE INSPECTOR
RAILWAY POLICE FORCE,
VILLUPURAM JUNCTION.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary
charges SR.NO.19586

Order

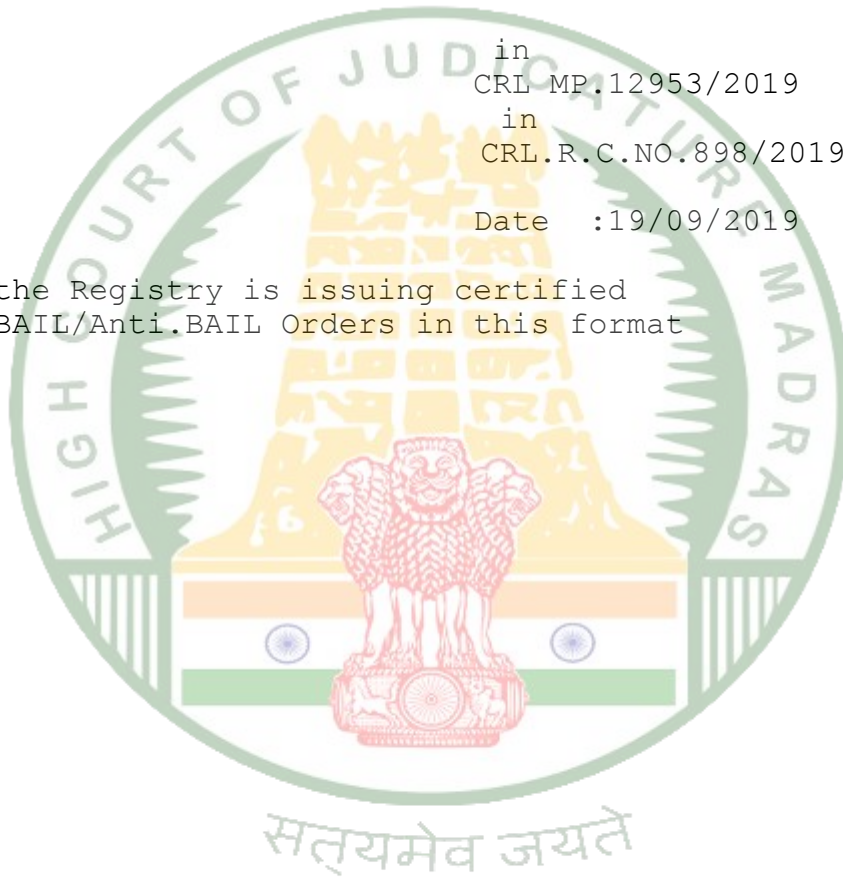
in
CRL MP.12953/2019

in
CRL.R.C.NO.898/2019

Date :19/09/2019

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TA-20/09/2019



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