

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.12946 of 2019

IN CRL.RC.NO.896/2019

M.LIYAKATH ALI

[PETITIONER]

Vs

UNION OF INDIA

[RESPONDENT]

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

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.895/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imposed in Judgement dated 25.10.2018 made in CC.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.97 of 2018 on the file of the I additional District and sessions cuddalore pending disposal of the above revision petition at [CRL.MP.NO.12946/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.895/2019 on the file of the High Court and upon hearing the arguments of M/S. M.GURUPRASAD, Advocate for the petitioner and of MR.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.97/2018 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.
- 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,
- ii. 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 1 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/>

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+1 C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.NO. 19589

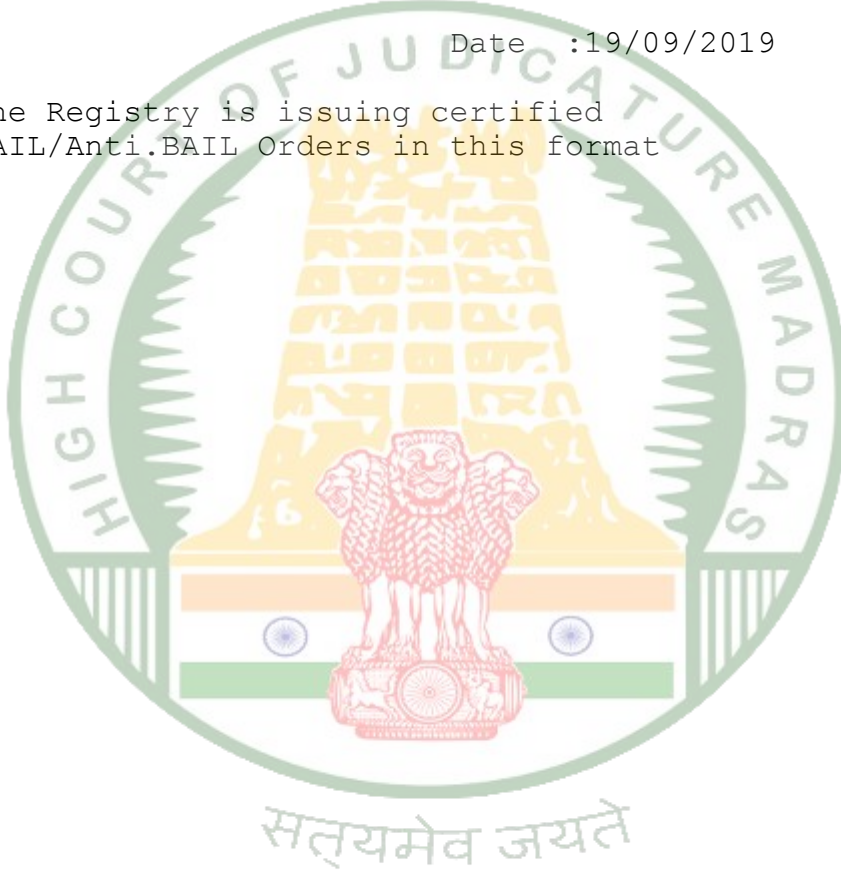
Order

in
CRL MP.12946/2019

IN CRL.RC.NO.896/2019

Date :19/09/2019

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RD 20/09/2019



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