

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.13511 of 2019

in CRL.A.No.628 OF 2019

MAHADEVAN

[PETITIONER]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
PERAMBALUR,
CRIME NO.3/2018.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the execution of the sentence against the petitioner / accused in SC No.11 of 2018 on the file of the Mahila Court, Perambalur dated 30.01.2019 and enlarge the petitioner on bail, pending disposal of the above CRL.A.No.628 OF 2019.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. P.MUTHAMIZH SELVAKUMAR, Advocate for the petitioner and of MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in Spl.S.C.No.11 of 2018 on the file of learned Sessions Judge, Mahila Court, Perambalur. Under judgment dated 30.01.2019, the trial Court found the petitioner guilty under Sections 363 and 406 of IPC and sentenced him to undergo Rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a further period of one year for the offence under Section 363 of IPC and also sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a further period of six months for the offence under Section 406 of IPC. Aggrieved over the same, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2.It is submitted by the learned counsel for the petitioner/accused that only to extract some money from him, he has been falsely implicated in this case and the amount of fine had already been paid, as directed by the trial Court in its judgment.

The learned counsel further submitted that there are several

infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. The learned counsel also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

3. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Perambalur;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;
- c) The Petitioner/ Accused shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Appeal and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

13/12/2019

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 SESSIONS JUDGE,
MAHILA COURT, PERAMBALUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
PERAMBALUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

C.C. to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges SR.NO.25750

Order

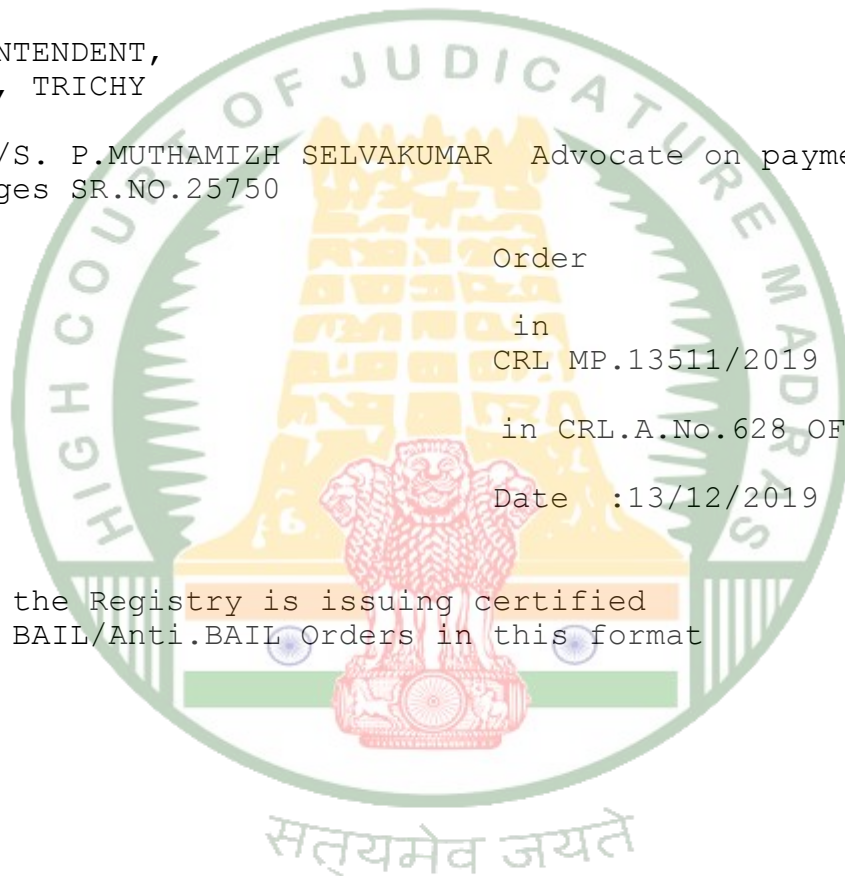
in
CRL MP.13511/2019

in CRL.A.No.628 OF 2019

Date :13/12/2019

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RVR 18/12/2019



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