

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of September Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.13515 of 2019

in CRL.RC.No.953 OF 2019

SANKAR

[PETITIONER]

Vs

THE STATE OF TAMILNADU

[RESPONDENT]

REP BY THE INSPECTOR OF POLICE,

KATPADI POLICE STATION,

VELLORE DISTRICT.

CR.NO.400/2007.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.953 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in CC No.384/2009 dated 09.01.2017 on the file of Judicial Magistrate Court, Katpadi which is confirmed in C.A.No.4/2017 dated 12.07.2019 on the file of Principal Sessions Judge, Vellore and release the petitioner on bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.953 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.G.SELVI GEORGE, 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 Petitioner/A1 seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 09.01.2017, made in C.C.No.384/2009, by the Judicial Magistrate court, Katpadi, as confirmed by the judgement dated 12.07.2019, made in Crl.A.No.4/2017, by the Principal Sessions Judge, vellore, 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/A1 was convicted and sentenced for the offences under Sections 468, 471, 420 and 419 of IPC as under:

S. No.	Conviction	Sentence
1.	U/s.468 of IPC	1 year Simple Imprisonment and fine of Rs.3,000/-.
2.	U/s.471 of IPC	1 year Simple Imprisonment and fine of Rs.3,000/-.
3.	U/s.420 of IPC	1 year Simple Imprisonment and fine of Rs.3,000/-.
4.	U/s.419 of IPC	1 year Simple Imprisonment and fine of Rs.3,000/-.

4.The sentences were ordered to run concurrently. In the appeal, judgment of the conviction and sentence of the Trial Court was confirmed by the Appellate Court. Aggrieved against the Judgment of the Courts below, the petitioner has preferred this Criminal Revision.

5.According to the learned counsel for the Petitioner/A1, due to pending civil disputes between the parties, a false complaint has been filed against the Petitioner/A1 and that both the courts below, without appreciating the evidence and without taking into consideration the legal aspects, have convicted the petitioner/A1. The petitioner has surrendered before the Trial Court on 25.09.2019 (today) and the said surrender has been accepted by the learned Judicial Magistrate, Katpadi. He would further 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 the Petitioner/A1 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/A1 may be suspended.

6.The learned Additional Public Prosecutor has raised objections for suspending the sentence.

7.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/A1 is ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioner/A1 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, Katpadi.

ii.The Petitioner/A1 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/-

25/09/2019

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 JUDICIAL MAGISTRATE,
COURT, KATPADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATPADI POLICE STATION, VELLORE DISTRICT.

5 THE PRINCIPAL SESSIONS JUDGE,
VELLORE.

C.C. to M/S.G.SELVI GEORGE Advocate on payment of necessary charges Sr.20007

सत्यमेव जयते Order

in
CRL MP.13515/2019

in CRL.RC.No.953 OF 2019

Date :25/09/2019

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RVR 25/09/2019