

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of September Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.13364 of 2019

IN CRL.RC.NO.939 OF 2019

NITHIN

[PETITIONER]

vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
TIW (EAST) POLICE STATION,
COIMBATORE,
(CRIME NO.704/2016).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.939/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Crl.Appeal No.149 of 2019 dated 18.07.2019 on the file of I Additional District cum Sessions Court, Coimbatore in confirming the Judgment passed in C.C.No.18 of 2017 dated 10.04.2019 on the file of the Judicial Magistrate Court No.8, Coimbatore, pending disposal of the above criminal Revision Case and pass such or other order.[CRL.MP.NO.13364/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.939/2019 on the file of the High Court and upon hearing the arguments of M/S. S.SARAVANAN, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR 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 judgment, dated, 18.07.2019, made in Crl.A.No.149/2019, by the I Additional District Cum Sessions Court, Coimbatore, confirming the judgment dated 10.04.2019, made in C.C.No.18/2017, by the Judicial Magistrate No.8, Coimbatore, 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 and sentenced for the offence under Section 279 of IPC to undergo three months Simple Imprisonment and to pay a fine of

Rs.500/-, in default, to undergo two weeks Simple Imprisonment and for the offence under Section 304A of IPC to undergo one year Simple Imprisonment and to pay a fine of Rs,2,000/-, in default, to undergo one month Simple Imprisonment.

4. According to the learned senior 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. He would further submit that the petitioner has surrendered before the Trial Court.
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 Judicial Magistrate Court No.8, Coimbatore.
 - ii. The Petitioner/accused 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/-

24/09/2019

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.8, COIMBATORE
<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE I ADDITIONAL DISTRICT CUM
SESSIONS COURT,COIMBATORE

5 THE INSPECTOR OF POLICE,
TIW (EAST) POLICE STATION,
COIMBATORE,

+1 C.C. to M/S. S.SARAVANAN Advocate on payment of necessary
charges SR.NO. 19866

Order

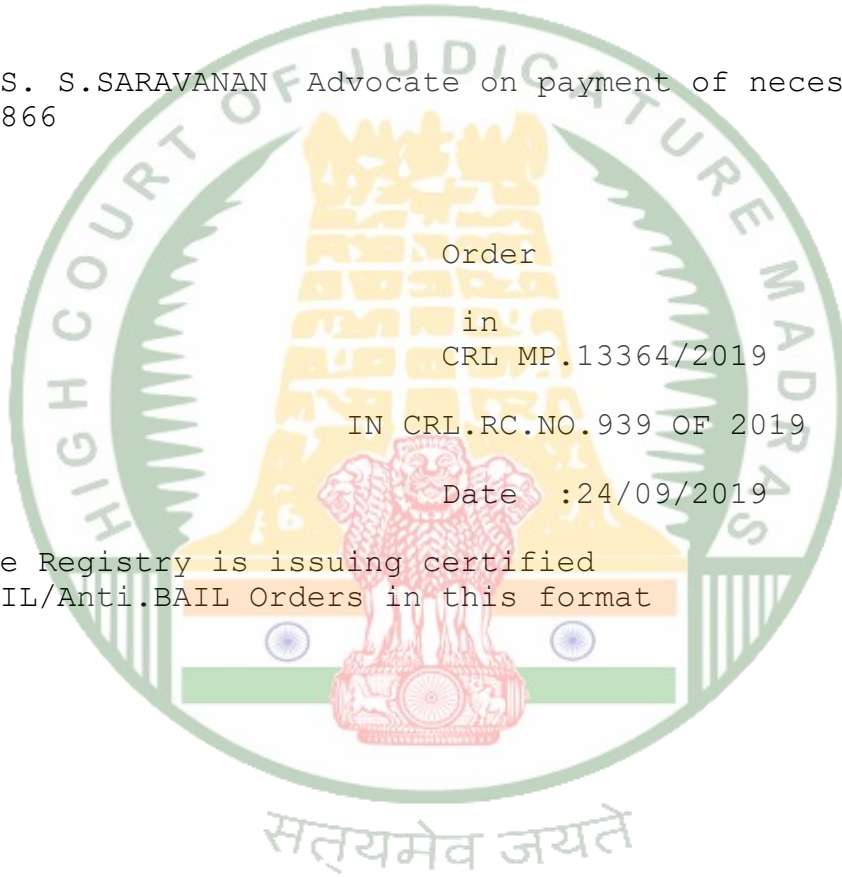
in

CRL MP.13364/2019

IN CRL.RC.NO.939 OF 2019

Date :24/09/2019

From 7.2.2001 the Registry is issuing certified
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RD 24/09/2019



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