

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.13378 of 2019
IN CRL.RC.NO.942 OF 2019

KOTHANDARAMAN

[PETITIONER / APPELLANT]

Vs

STATE BY ITS

[RESPONDENT / COMPLAINANT]

SUB-INSPECTOR OF POLICE,
PONNUR POLICE STATION,
PONNUR,
THIRUVANNAMALAI DISTRICT.
CR.NO.82/2006.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.NO.942/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the petitioner by the Additional District Judge (FTC), Arni, Thiruvannamalai District in C.A.No.24 of 2014 by judgment dated 03.08.2019 by confirming the Judgement passed in CC.No.678 of 2006 by dated 23.09.2014 by the District Munsif cum Judicial Magistrate, Vandavasi and enlarge the petitioner on bail pending disposal of the above Crl.RC.No.942/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.NO.942/2019 on the file of the High Court and upon hearing the arguments of M/S.K.G.SENTHIL KUMAR, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTION 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, 03.08.2019, made in Crl.A.No.24/2014, by the Additional District Judge, (FTC) Arni, Thiruvannamalai District, by confirming the judgement dated 23.09.2019, made in C.C.No.678 of 2006, by the District Munsif Cum Judicial Magistrate, Vandavasi, 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 Sections 279 and 304 (A) of IPC to undergo one year Simple Imprisonment.

4. According to the learned counsel for the Petitioner/accused, the petitioner/accused has surrendered before the Trial Court on 24.09.2019 and he is in Judicial custody and that the fine amount has been paid. 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/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence of imprisonment imposed against the Petitioner/Accused may be suspended.

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 learned District Munsif Cum Judicial Magistrate, Vandavasi.

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/-
25/09/2019

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

TRUE COPY

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

TO

1 THE ADDITIONAL DISTRICT JUDGE
(FTC), ARNI, THIRUVANNAMALAI DISTRICT

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

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VANDAVASI

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

4 THE SUB-INSPECTOR OF POLICE,
PONNUR POLICE STATION,
PONNUR, THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.K.G.SENTHIL KUMAR Advocate on payment of necessary
charges SR.No.19974

Order

in

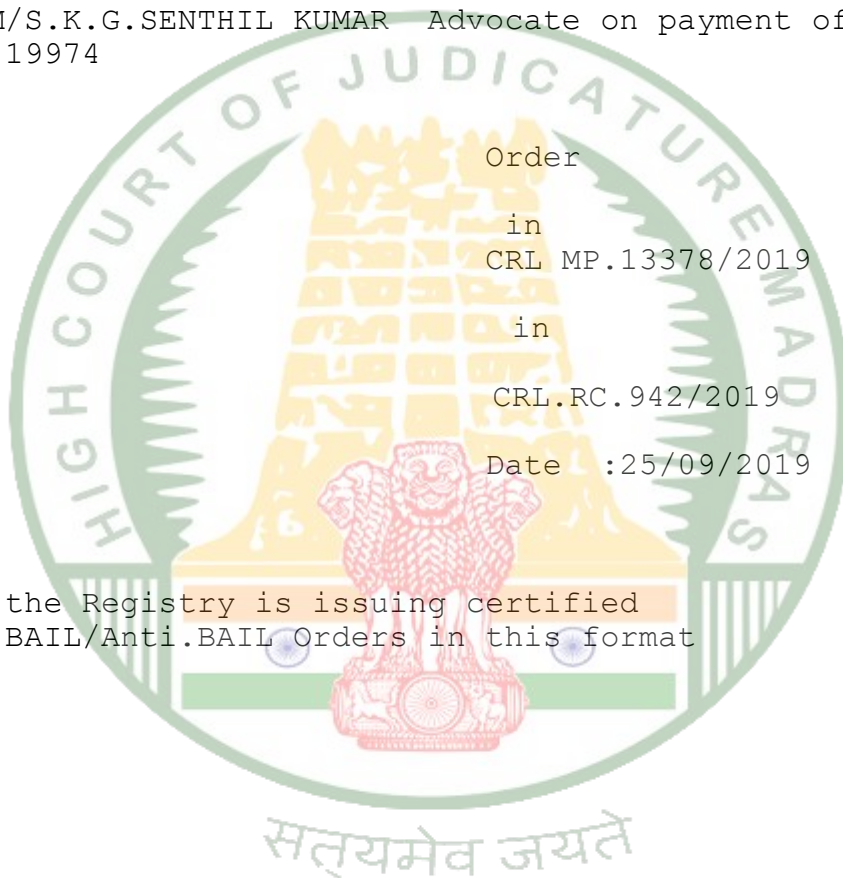
CRL MP.13378/2019

in

CRL.RC.942/2019

Date :25/09/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 25/09/2019



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