

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.14277 OF 2019

IN CRL.RC.NO.1044 OF 2019

P.RAMANATHAN

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE THOUGH

[RESPONDENT]

INSPECTOR OF POLICE,
MADURANTHAGAM POLICE STATION,
MADURANTHAGAM

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.1044 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in C.C.55/2014, by the Judicial Magistrate, Madurandakam on 15/11/2017 till disposal of the above numbered main CRL.RC.NO.1044 OF 2019 [IN CRL.MP.NO.14277 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.1044 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.GAJAPATHI KRISHNAN, 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 C.C.No.55 of 2018 on the file of learned Judicial Magistrate, Maduranthaakam. Under judgment dated 15.11.2017, the trial Court found the petitioner guilty under Section 393 of IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.2000/-, in default, to undergo simple imprisonment for a further period of one week. Aggrieved over the same, the petitioner has filed a Criminal Appeal in C.A.No.83/2017 on the file of the learned Principal Sessions Judge, Kancheepuram at Chengalpattu. By judgment dated 26.04.2019, the appellate court confirmed the judgment of the trial court. Against the same, the petitioner has filed this Criminal Revision along with the petition seeking suspension of sentence.

2.It is submitted by the learned counsel for the petitioner/accused that 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 Revision, 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 Judicial Magistrate, Madurantakam;
- 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 revision 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 JUDICIAL MAGISTRATE,
MADURANTHAAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MADURANTHAGAM POLICE STATION,
MADURANTHAGAM

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1C.C. to GAJAPATHI KRISHNAN Advocate on payment of
necessary charges SR NO.25716

Order

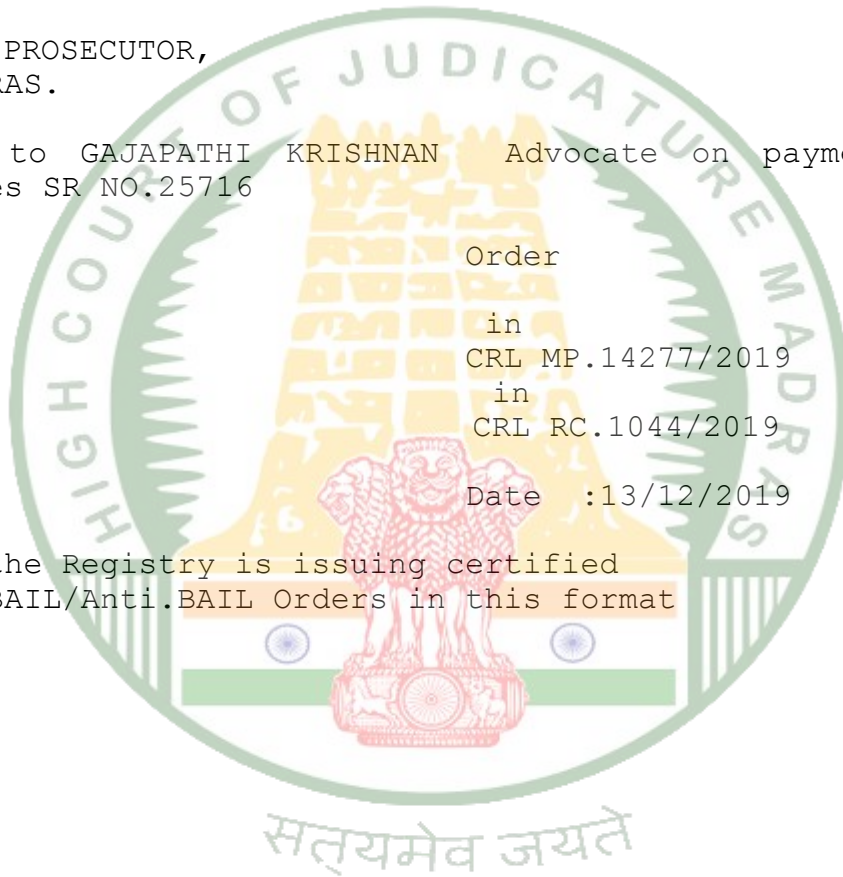
in
CRL MP.14277/2019

in
CRL RC.1044/2019

Date :13/12/2019

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

MK:17/12/2019



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