

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.14077 of 2019

IN CRL.RC.NO.1007 OF 2019

NARENDRABABU DRONAVALLI

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
W-27, ALL WOMEN POLICE STATION,
VADAPALANI, CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.1007 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the Judgment dated 22.07.2016 in C.C.No.8175/2010, on the file of the IV Metropolitan Magistrate, Saidapet, Chennai and confirmed by the Judgment dated 17.06.2019 passed by the learned I Additional Judge, City Civil Court, Chennai in CRL.A.NO.216 of 2016 pending disposal of the above mentioned CRL.RC.NO.1007 OF 2019 [IN CRL.MP.NO.14077 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.1007 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.E.J.AYYAPPAN, 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/Accused, seeking suspension of sentence of imprisonment, imposed by the Judgment, dated, 22.07.2016, made in C.C.No.8175/2010, by the IV Metropolitan Magistrate, Saidapet, Chennai as confirmed the Judgment dated 17.06.2019, in Crl.A.No.216/2016, by the I Additional Sessions Judge, City Civil Court, Chennai and enlarge him on bail pending disposal of the criminal revision case.
- 2.This court heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on record.

3. In and by the impugned judgements, the petitioner/accused was convicted for the offences under Section 498-A of IPC and sentenced to undergo One Year Simple Imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo two months Simple Imprisonment and under Section 4 of the Dowry Prohibition Act, sentenced to undergo Six Months Simple Imprisonment and to pay a fine of Rs.2,000/- in default to undergo One Month Simple Imprisonment and the sentences were ordered to run concurrently.
4. The learned counsel for the petitioner/accused would submit that there are arguable points available in the criminal revision, 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 and would submit that the petitioner has surrendered before the Trial Court today i.e., 26.11.2019 and hence, the substantive sentence 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 Appeal, 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 IV Metropolitan Magistrate, Saidapet, Chennai.
 - 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/-

26/11/2019

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 METROPOLITAN MAGISTRATE,
NO.IV, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE I ADDITIONAL JUDGE,
CITY CIVIL COURT, CHENNAI.

4 THE INSPECTOR OF POLICE,
W-27, ALL WOMEN POLICE STATION,
VADAPALANI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.E.J.AYYAPPAN Advocate on payment of necessary
charges SR NO.24298

Order

in
CRL MP.14077/2019
in
CRL RC.1007/2019

Date :26/11/2019

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

MK:26/11/2019

सत्यमेव जयते

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