

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Third day of October Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.14146 of 2019

IN CRL A.666/2019

TAMILA ALIAS TAMILARASI

[PETITIONER]

Vs

STATE REP. BY ITS
INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.666 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C.No.105 of 2017 dated 13.9.2019 on the file of Mahila Court, Salem and enlarge the Petitioner/Appellant on bail pending disposal of the above Crl.A.No.666 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.666 of 2019 on the file of the High Court and upon hearing the arguments of M/S. M.SANTHANARAMAN, 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, 13.09.2019, made in S.C.No.105/2017, by the Mahila Court, Salem and enlarge the petitioner/accused on bail, pending disposal of the Criminal Appeal.
- 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 for the offence under Section 451 of IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment and convicted for the offence under Section 324 of IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment and all the sentences were ordered to run concurrently.

4. According to the learned counsel for the Petitioner/ accused, there are arguable points available in the Criminal Appeal, 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 Appeal and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended. He would submit that the total fine amount has been paid and the trial Court had suspended the sentence till 18.10.2019.

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:-

- a) the Petitioner/Accused is ordered to be released on bail, on his executing 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 Mahila Court, Salem.
- 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 at 10.30 a.m. on the first working day of every month, until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, 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 the date of his absence, as directed by the Trial Court.

-sd/-

03/10/2019

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 MAHILA COURT,
SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.

C.C. to M/S. M.SANTHANARAMAN Advocate on payment of necessary
charges SR.NO.20561

Order

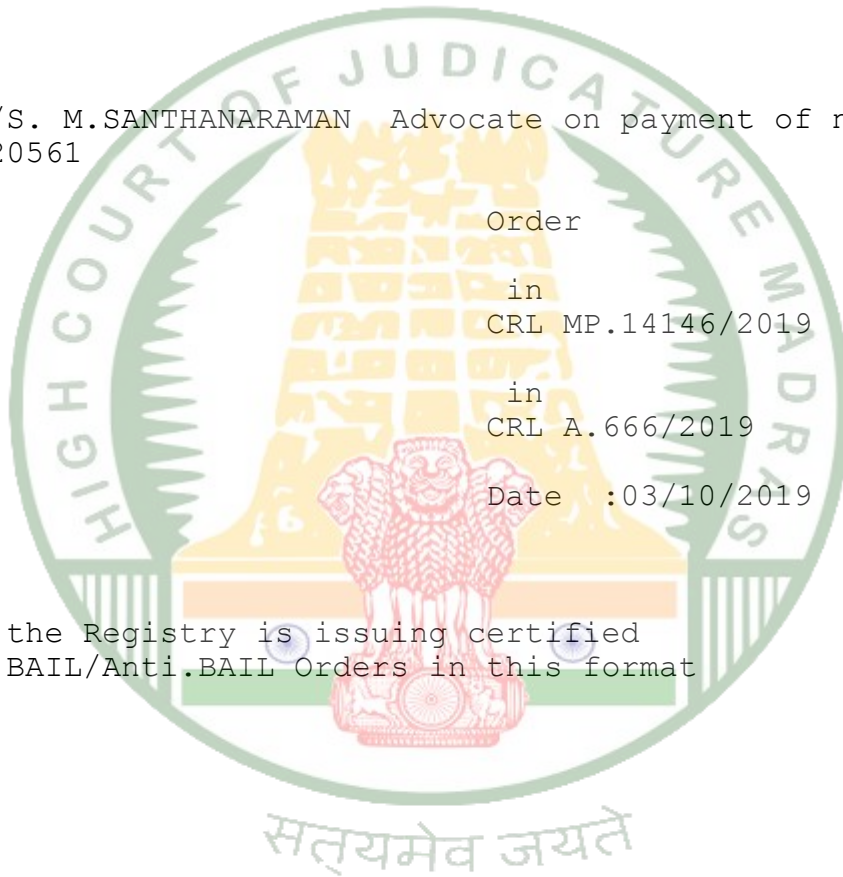
in
CRL MP.14146/2019

in
CRL A.666/2019

Date :03/10/2019

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RVR 03/10/2019



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