

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.14139 & 14140 of 2019

IN CRL.RC.NO.1016 OF 2019

1 ELUMALAI [PETITIONERS
2 THANGARASU IN BOTH THE PETITIONS]
3 MANI
4 KARTHIK
5 ANTHARI
6 RAGOTH
7 AMUTHA

Vs

STATE REP. BY [RESPONDENT
INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
THIRUKOILUR POLICE STATION,
VILLUPURAM DISTRICT,
CRIME NO.350 OF 2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1016/2019 on the file of the High Court, the High Court will be pleased to

[I]suspend the sentence imposed on the petitioners in C.A.No.55 of 2019 on the file of the learned Principal District and Sessions Judge, Villupuram confirming the order of conviction and sentence passed in S.C.No.171 of 2016 dated 12.06.2019 on the file of the learned Principal Assistant Sessions Judge, villupuram and enlarge the petitioner on bail pending disposal of the above Criminal Revision case.[CRL.MP.NO.14139/2019]

[II]Exempt the surrender of the petitioners in S.C.No.171 of 2016 before the learned Principal Assistant Sessions Judge, villupuram pending disposal of the above Criminal Revision. [CRL.MP.NO.14140/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1016/2019 on the file of the High Court and upon hearing the arguments of M/S. V.V.SAIRAM, Advocate for the petitioner [IN BOTH THE PETITIONS] and of MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR on behalf of the Respondent[IN BOTH THE PETITIONS] the court made the following order:-

These Criminal Miscellaneous Petitions have been filed by the petitioners/A1 to A7, seeking suspension of sentence of imprisonment, imposed by the judgment on 16.09.2019, made in C.A.No.55 of 2019 on the file of the learned Principal District and Sessions Judge, Villupuram, confirming the judgment of conviction and sentence made in S.C.No.171 of 2016, dated 12.06.2019, by the learned Principal Assistant Sessions Judge, Villupuram and to enlarge the petitioners/A1 - A7 on bail and to exempt the surrender of the petitioners/A1-A7 in S.C.No.171 of 2016 before the learned Principal Assistant Sessions Judge, Villupuram, respectively 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 both the impugned judgments of the Trial Court and the Lower Appellate Court, the petitioners/A1 to A7 were convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Under Section 324 of IPC	To undergo six months simple imprisonment (A1- A7)
2.	Under Section 341 of IPC	To pay a fine of Rs.500/- in default to undergo two weeks simple imprisonment (A1- A7)

Aggrieved against the same, the petitioners/A1-A7 have preferred this Criminal Revision Case.

4 The learned counsel appearing for the petitioners/A1-A7 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 petitioners/A1-A7 have got a fair chance of succeeding in the Criminal Revision. He would submit that the petitioners 1 to 6 /A1-A6 have surrendered before the Trial Court and that the seventh petitioner/A7, being a lady, who has suffering from ailment and has not surrendered before the Trial Court and hence, the suspension of sentence of imprisonment alone may be granted to the petitioners/A1 to A7 and he would further submit that since petitioner/A7 is not feeling well, she has not surrendered before the Trial Court and would pray that her non-surrender before the Trial Court may be condoned and she may be granted exemption.

5 The learned Additional Public Prosecutor has raised objections for suspending the sentence on the petitioners/ A1 to A7 and exempting petitioner/A7 from surrendering before the Trial Court.

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 in so far as the petitioners/A1 to A7 are concerned, on certain conditions. The non surrender of the petitioner/A7 before the Appellate Court on the date of judgment is condoned. The prayer for suspension of sentence and bail in so far as the petitioners/A1 to A7 are concerned, are granted, on the

following conditions :-

- a) The Petitioners/A1 to A6 are ordered to be released on bail, on each one of the petitioners/A1 to A6 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 learned Judicial Magistrate, Tirukoilur and the same surety can be accepted for all the petitioners.
- b) The Petitioners/A1 to A7 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 Petitioners/A1 to A7 shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, until the disposal of the revision petition and if they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

7 Since the petitioners/A1 to A6 have surrendered, the petition for exempting surrender of the petitioners/A1 to A6 in S.C.No. 171 of 2019 is dismissed. However, in respect of the petitioner/A7, non surrender of petitioner/A7 before the Appellate Court is condoned and the petitioner/A7 is ordered to be released on bail on the following conditions:

a) The petitioner/A7 shall surrender before the Judicial Magistrate, Tirukoilur, within a week from the date of receipt of a copy of this order and execute a bond of Rs.10,000/- with two sureties, out of which, one should be a blood relative.

8 Accordingly, CrI.M.P.No.14139 of 2019, is ordered in so far as the petitioners/A1 to A7 are concerned and CrI.M.P.No.14140 of 2019 is dismissed in so far as the petitioners/A1 to A6 are concerned and ordered in so far as the petitioner/A7 is concerned.

-sd/-

01/11/2019

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

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

High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE,VILLUPURAM

2 THE PRINCIPAL ASSISTANT
SESSIONS JUDGE,VILLUPURAM

3 THE JUDICIAL MAGISTRATE,
TIRUKOILUR

4 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]

5 INSPECTOR OF POLICE,
THIRUKOILUR POLICE STATION,
VILLUPURAM DISTRICT,

+2 C.C. to M/S. V.V.SAIRAM Advocate on payment of necessary
charges SR.NO. 22457

Order

in
CRL MP.14139 & 14140/2019

IN CRL.RC.NO.1016 OF 2019

Date :01/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 01/11/2019

WEB COPY