

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of October Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.14658 of 2019

IN CRL.RC.NO.1082 OF 2019

S.PARANTHAMAN

[PETITIONER]

Vs

STATE REP BY
INSPECTOR OF POLICE,
J2, ADYAR TRAFFIC INVESTIGATION WING,
ADYAR, CHENNAI.
CR. NO.772/AM3/2008

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1082/2019 on the file of the High Court, the High Court will be pleased to suspend the conviction imposed in C.A No. 238/2015 dated 28/08/2019 on the file of the Learned III Additional Sessions Judge, Chennai confirming the judgement and order of conviction of the trial court order passed in C.C.NO.11940 OF 2009 dated 17.11.2015 on the file of the learned IV Metropolitan Magistrate Court, Saidapet, Chennai and enlarge the petitioner on bail pending disposal of the above criminal revision peittion.[CRL.MP.NO.14658/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1082/2019 on the file of the High Court and upon hearing the arguments of M/S. V.PURUSHOTHAMAN REDDY Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDL.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

1.This Criminal Miscellaneous Petition has been filed by the Appellant /Accused, seeking suspension of sentence of imprisonment, imposed by the judgement, dated, 28.08.2019, made in C.A.No.238/2015, by the II Additional Sessions Judge, Chennai, confirming the judgement and order of conviction of the trial court passed in C.C.No.1194/2009 dated 17.11.2015 on the file of the IV Metropolitan Magistrate Court at Saidapet, Chennai.

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 offences under Sections 279 of IPC and 304(A) of IPC and he had been convicted and sentenced as under:

S.No	Conviction	Sentence
1.	Under Section 279 of IPC	to undergo six months of simple imprisonment.
2.	Under Section 304(A) of IPC	to undergo two years of simple imprisonment

The petitioner/accused were ordered to run the imprisonment concurrently. Aggrieved against the same, the petitioner has preferred this revision.

4. According to the learned counsel for the petitioner/accused, 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 imposed against the petitioner/accused may be suspended. He would further submit that the petitioner has surrendered before the Trial Court today.

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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the IV Metropolitan Magistrate Court, Saidapet, Chennai.

ii. 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.

iii. 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 revision petition 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/-

21/10/2019

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 METROPOLITAN MAGISTRATE,
NO.IV, SAIDAPET,CHENNAI

2 THE II ADDITIONAL SESSIONS
JUDGE,CHENNAI

3 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
J2, ADYAR TRAFFIC INVESTIGATION WING,
ADYAR, CHENNAI.

+1 C.C. to M/S. V.PURUSHOTHAMAN REDDY. Advocate on payment of necessary charges SR.NO. 21574

सत्यमेव जयते

Order

in
CRL MP.14658/2019

IN CRL.RC.NO.1082 OF 2019

Date :21/10/2019

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RD 21/10/2019