

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.16773 OF 2019

IN CRL.RC.NO.1245 OF 2019

R.RAJA

[PETITIONER]

Vs

STATE REP.BY ITS
INSPECTOR OF POLICE,
PALLAPPATTY POLICE STATION,
SALEM.
CRIME NO.2020/2007.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.1245 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence to enlarge the petitioner on bail in connection the above Criminal Revision Petition Against Crl.Appeal No.69 of 2018 dated 23.04.2019 on the file of I Additional District Judge, Salem confirming the order of the learned Judicial Magistrate No.II, Salem in C.C.No.138 of 2008, dated 27/03/2018, pending disposal of the above CRL.RC.NO.1245 OF 2019 [IN CRL.MP.NO.16773 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.1245 OF 2019 on the file of the High Court and upon hearing the arguments of MR.C.SELVARAJ SENIOR COUNSEL FOR M/S.C.S.ASSOCIATES, 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, 27.03.2018, made in C.C.No.138/2008, by the Judicial Magistrate Court No.2, Salem as confirmed the Judgment dated 23.04.2019, made in Crl.A.No.69/2018, by the I Additional District Judge, Salem 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 420 of IPC and sentenced to undergo Two Years Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo Three Months Simple Imprisonment.
- 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 Judicial Magistrate Court, No.2, Salem.
 - 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 I ADDITIONAL DISTRICT
JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.II, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PALLAPPATTY POLICE STATION,
SALEM.

C.C. to M/S.C.S.ASSOCIATES Advocate on payment of necessary
charges

Order

in
CRL MP.16773/2019
in
CRL.RC.1245/2019

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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