

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of October Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.14828 of 2019

in CRL.A.No.712 of 2019

MUTHUKRISHNAN

[PETITIONER]

Vs

THE STATE OF TAMIL NADU,
REP. BY DEPUTY SUPERINTENDENT OF POLICE,
GINGEE SUB DIVISION,
ANANTHAPURAM POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.195 OF 2016,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases Registered under the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act 1989 Villupuram in Special S.C.No.27 of 2017 dated 3.10.2019 and enlarge the petitioner on bail pending disposal of the above Crl.A.No.712 of 2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. M.DEVARAJ, Advocate for the petitioner, and of M/S.M.MOHAMED RIYAZ, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Appellant /Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 03.10.2019, made in S.C.No.27/2017, by the learned Sessions Judge, Special Court for Exclusive Trial of Cases Registered under the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act 1989 Villupuram and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

1.This court heard the learned counsel on either side and also perused the materials placed on record.

2.In and by the impugned judgement, the Appellant/ accused was convicted for the offence under Section 352 of IPC and sentenced pay

a fine of Rs.500/-, in default, to undergo one month Simple Imprisonment and convicted for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998 and sentenced to undergo two years of rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo six months simple imprisonment.

3. The learned counsel for the petitioner would submit that the trial Court has also suspended the sentence of imprisonment till 01.11.2019. According to the learned counsel for the Appellant/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 Appellant/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Appellant/Accused may be suspended.
4. The learned Additional Public Prosecutor has raised objections for suspending the sentence.
5. 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 Appellant/accused is ordered to be enlarged on bail, on the following conditions:-
 - i. The Appellant/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 Sessions Judge, Special Court for Exclusive Trial of Cases Registered under the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act 1989 Villupuram.

The Appellant/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/-

18/10/2019

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 DEPUTY SUPERINTENDENT OF POLICE,
GINGEE SUB DIVISION,
ANANTHAPURAM POLICE STATION,
VILLUPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

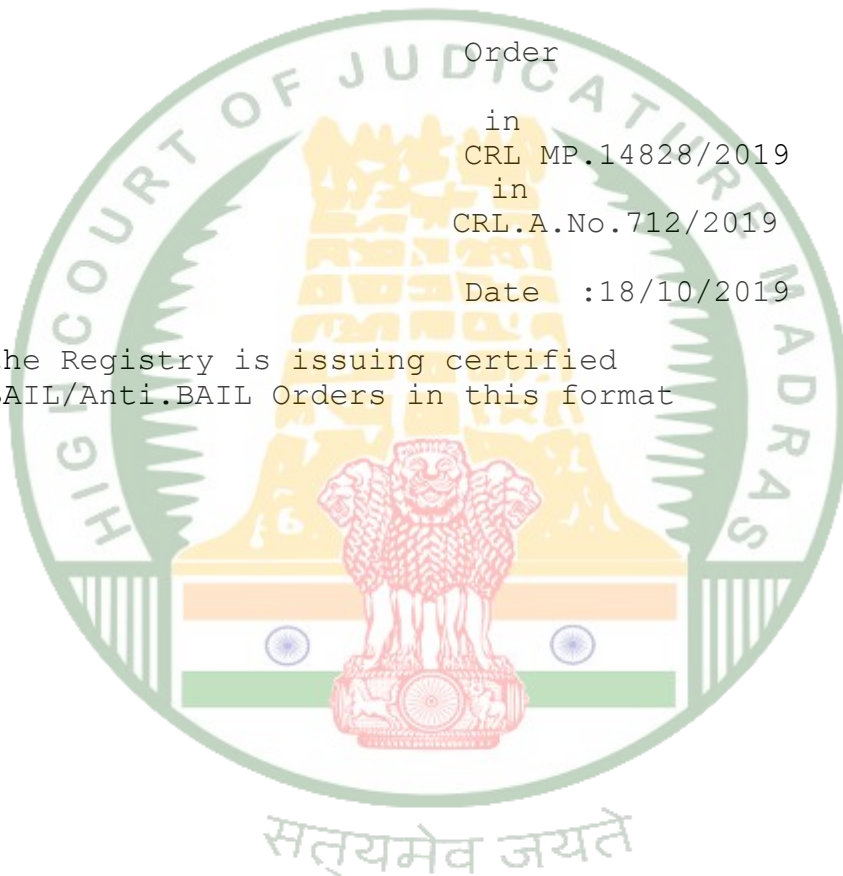
3 THE SESSIONS JUDGE, SPECIAL
COURT FOR EXCLUSIVE TRIAL OF CASES
REGISTERED UNDER THE SCHEDULED CASTE AND
SCHEDULED TRIBE PREVENTION OF ATROCITIES ACT
1989 VILLUPURAM

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

Order
in
CRL MP.14828/2019
in
CRL.A.No.712/2019
Date :18/10/2019

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

TA-18/10/2019



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