

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.14943 of 2019

IN CRL.A.No.719 OF 2019

ESWARAMOORTHY

[PETITIONER]

Vs

THE STATE BY

INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
ERODE DISTRICT.

CRIME NO. 261/2017

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.719 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the judgment dated 30/09/2019 passed in S.C No. 106/2018 on the file of the Court of Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court) Erode, convicting the petitioner and sentenced to undergo two year R.I., and to pay a fine of Rs.1,000/- in d/f three months S.I under Sec.498(A) I.P.C, pending disposal of the above Crl.A.No.719 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.719 of 2019 on the file of the High Court and upon hearing the arguments of M/S. C.VASUDEVAN, 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, 30.09.2019, made in S.C.No.106/2018, by the Court of Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode and enlarge him on bail pending disposal of the Criminal Appeal.
- 2.This court heard the learned counsel for the petitioner and also perused the materials placed on record.
- 3.In and by the impugned judgement, the Petitioner/ accused was convicted and sentenced for the offence under Section 498(a) of IPC to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.

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 that the Trial Court has suspended the sentence imposed on the petitioner till 30.10.2019 and fine amount has been paid 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court No.I, Gobichettipalayam.

(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/-

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 JUDICIAL MAGISTRATE,
NO.I, GOBICHETTIPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
ERODE DISTRICT.

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

5 THE SESSIONS, MAGALIR NEETHI
MANDRAM (FAST TRACK MAHILA COURT),
ERODE.

6 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

C.C. to M/S. C.VASUDEVAN Advocate on payment of necessary
charges Sr.21583

Order

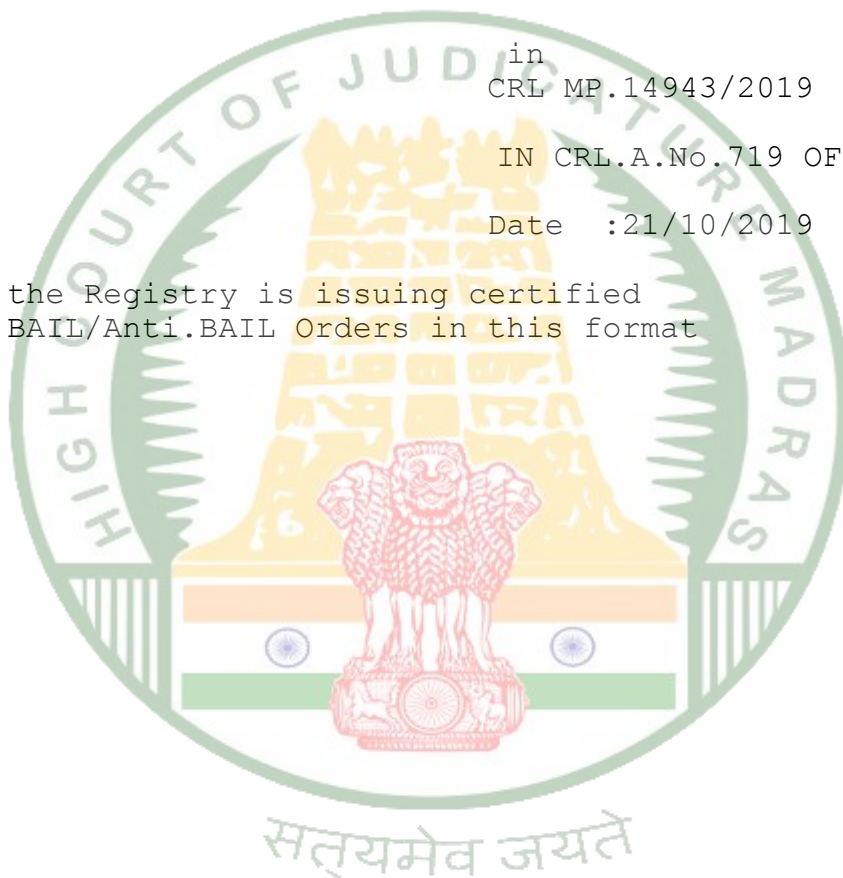
in
CRL MP.14943/2019

IN CRL.A.No.719 OF 2019

Date :21/10/2019

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

RVR 23/10/2019



WEB COPY