

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.15042 of 2019

IN CRL.RC.NO.835/2019

M.MADAN @ MADANKUMAR

[PETITIONER]

Vs

THE STATE OF TAMIL NADU, [RESPONDENT]
REP BY THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION UNIT,
K-10, KOYEMBEDU POLICE STATION,
CHENNAI-600 107.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.835/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence conviction imposed in C.A.No.237 of 2013 on the file of the VI Additional Sessions Judge, City Civil Court, Chennai dated 13.04.2017 confirming the Judgment in C.C.No.19040 of 2005 on the file of the VI Metropolitan Magistrate Court, Egmore, Chennai dated 11.09.2013 and enlarge the petitioner on bail, pending disposal of the Crl.RC.No.835/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.835/2019 on the file of the High Court and upon hearing the arguments of M/S.C.K.M.APPAJI, 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 11.09.2013 passed in C.C.No.19040 of 2005, by VI Metropolitan Magistrate Court, Egmore, Chennai, as confirmed in the judgment, dated 13.04.2017, made in Crl.A.No.237 of 2013, by the VI Additional Sessions Judge, City Civil Court, Chennai, 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 the impugned judgement, the petitioner/accused was convicted and sentenced for the offences under Sections 279, 304-A (2 counts), 337 (7 counts) of IPC and 134(a) and (b) read with 187 of the Motor Vehicle Act and he had been convicted and sentenced as under:

S.No	Conviction	Sentence
1.	Under Section 279 of IPC	Two Months simple imprisonment and to pay a fine of Rs.500/- in default to undergo One Month simple imprisonment.
2.	Under Section 304(A) (2 counts) of IPC	One Year simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo One Month simple imprisonment on each count.
3.	Under Section 337 (7 counts) of IPC	One Month simple Imprisonment and to pay a fine of Rs.500/- in default to undergo Two Weeks simple imprisonment.
4.	Under Section 134(a) and (b) read with 187 of the Motor Vehicle Act	To pay a fine of Rs.500/- each in default to undergo Two Weeks simple imprisonment.
		The sentences are ordered to run concurrently.

Aggrieved against the same, the petitioner has preferred this revision.

4. According to the learned counsel for the petitioner, 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. The petitioner/accused had surrendered before the Trial Court on 15.10.2019.

5. Heard the submissions of Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the State.

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, suspension of sentence and bail are granted, on the following conditions :-

- a) The Petitioner/Accused is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the VI Metropolitan Magistrate, Egmore, Chennai.

- b) 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.
- c) 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 VI ADDITIONAL SESSIONS JUDGE
CITY CIVIL COURT, CHENNAI.

2 THE METROPOLITAN MAGISTRATE
NO.VI, EGMORE, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

6 THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION UNIT,
K-10, KOYEMBEDU POLICE STATION,
CHENNAI-600 107.

+1 C.C. to M/S.C.K.M.APPAJI Advocate on payment of necessary
charges SR.No.21661

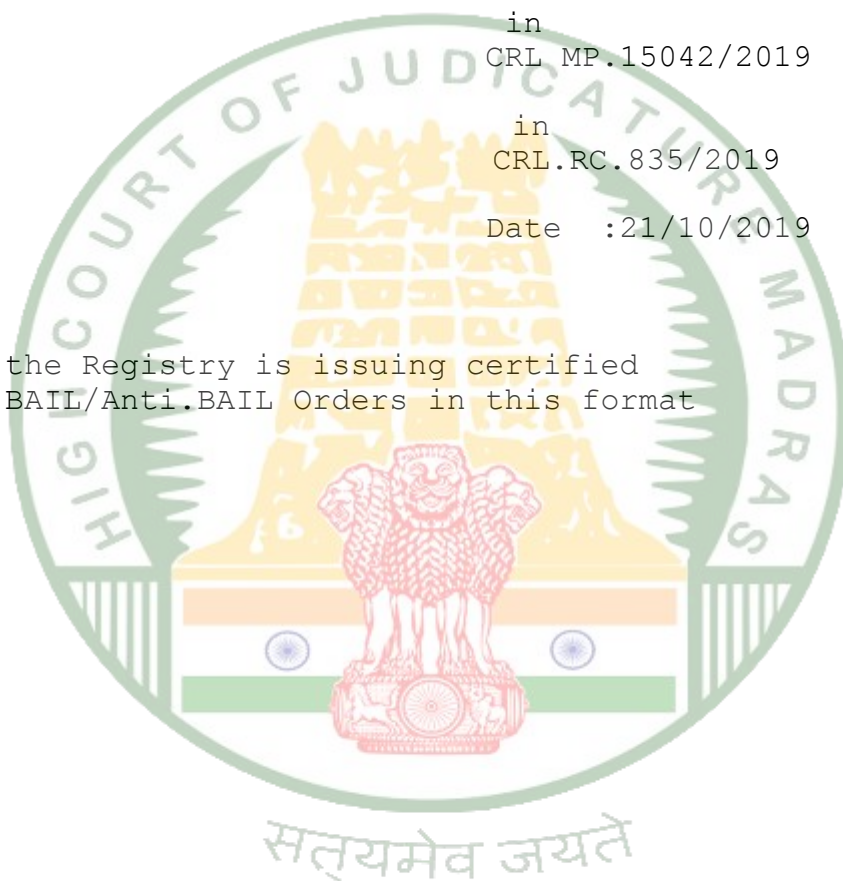
Order

in
CRL MP.15042/2019

in
CRL.RC.835/2019

Date :21/10/2019

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cs 22/10/2019



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