

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.15858 of 2019
IN CRL.RC.NO.1191 OF 2019

PERUMAL @ PATTU PERUMAL

[PETITIONER]

vs

1 THE SUB DIVISIONAL CUM REVENUE
DIVISIONAL OFFICER,
CUM SUB COLLECTOR,
KANCHIPURAM

[RESPONDENT]

2 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE (LAW AND ORDER) ,
C-2, SUNGUVARCHATRAM,
KANCHIPURAM DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1191/2019 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence order dated 20/08/2018 passed u/s. 122 (1)(a) of Cr.P.C in C-2 Sunguvarchatram Police station M.C.No.1539/2019 u/s.110 of Cr.P.C on the file of the sub division cum Deputy Revenue divisiona officer cum sub collector, kanchipuram to undergo simple imprisonment of 237 days [FROM 15.08.2019 TO 08.04.2020] [CRL.MP.NO.15858/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1191/2019 on the file of the High Court and upon hearing the arguments of M/S.M.ILLIYAS Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDL.PUBLIC PROSECUTO 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 conviction and sentence of imprisonment, imposed by the judgment, dated, 20.08.2018, passed under Section 122 of (1)(a) of Cr.P.C. in C-2, Sunguvarchatram Police Station, M.C.No.1539 of 2019 under Section 110 of Cr.P.C. by the Sub Divisional cum Deputy Revenue Divisional Officer cum Sub Collector, Kanchipuram to undergo Simple Imprisonment of 237 days, (From 15.08.2019 to 08.04.2020).

2 This Court heard the learned counsel on either side and also perused the materials placed on record.

3 The case of the Prosecution is that the Petitioner had executed a bond, dated 08.04.2019, to maintain peace for a period of one year, in connection with (1) Cr.No.298 of 2018 for the offences under Sections 352 & 294 (b) IPC, (2)Cr.No. 157 of 2013 under section 143, 341, 188 IPC, 7(1)(a) CLA, Act, (3) Cr.No.181 of 2015 under Section 294(b) IPC, (4) Cr.No.392 of 2016 under section 399 IPC, (5) 397 of 2016 under Section 341, 294(b), 323, 506 (ii) IPC, (6) 343 of 2016 under section 41(a) Cr.P.C., (7) Cr.No.453 of 2016 under Section 41 (a) CR.P.C, (8) Cr.No.616 of 2016 under Section 110 of CR.P.C, (9) Cr.No.201 of 2017 under Section 294(b), 323, 506(1) IPC, (10) Cr.No.372 of 2018 under Sections 341, 294(b), 323, 324, 506 (II) IPC. While so, on 15.08.2019, during the period of bond, the Petitioner had committed the offences under Sections 341, 294(b), 323, 324 & 506(2) IPC, based on which, a case was registered in Cr.No.248 of 2019, by the Sunguvarchatram Police Station. Since the Petitioner/ accused had violated the conditions of the earlier bail bond, dated 08.04.2019, undertaking not to involve in any crime for a period of one year, the 1st Respondent, Sub Divisional Cum Revenue Divisional Officer cum Sub Collector, had conducted an enquiry and passed the impugned order, dated, 20.08.2019 passed under Section 122(1)(a) of Cr.P.C. in C-2, Sunguvarchatram Police Station, MC.No.1539 of 2019 under Section 110 of Cr.P.C., committing him to prison to undergo simple imprisonment for 237 days, under Section 122 (1)(a) of Cr.PC. Hence, the present Criminal Revision has been filed, along with the above criminal miscellaneous petition, seeking suspension of sentence.

4 The learned counsel for the appellant/accused would submit that there are arguable points available in the Criminal Revision Case and that the revision petitions is not likely to be taken for final hearing in the near future and that the Petitioner has got a fair chance of succeeding in the Criminal Revision Case and would pray that the substantive sentence imposed against the petitioner/accused may be suspended.

5 The learned Additional Public Prosecutor would vehemently oppose for granting suspension of 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, the substantive sentence of imprisonment imposed on the Petitioner/ accused is hereby suspended, till the disposal of the Criminal Revision Case and the Petitioner/ accused is hereby ordered to be enlarged on bail on the following conditions:-

- i. The Petitioner/ accused shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum, to the satisfaction of the XV Metropolitan Magistrate Court, George Town, Chennai.

ii.The Petitioner/accused shall report before the Second respondent, on every Monday at 10.30 a.m., until further

-sd/-

05/11/2019

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 METROPOLITAN MAGISTRATE,
COURT,XV GEORGE TOWN,CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAI,CHENNAI

4 THE SUB DIVISIONAL CUM REVENUE
DIVISIONAL OFFICER,
CUM SUB COLLECTOR,
KANCHIPURAM

5 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE (LAW AND ORDER) ,
C-2, SUNGUVARCHATRAM,
KANCHIPURAM DISTRICT.

+1 C.C. to M/S.M.ILLIYAS Advocate on payment of necessary charges SR.NO. 22638

WEB COPY

Order

in

CRL MP.15858/2019

IN CRL.RC.NO.1191 OF 2019

Date :05/11/2019

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RD 05/11/2019

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