

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of October Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.15547 of 2019

IN CRL.R.C.NO.1156 of 2019

1 PASUPATHY [PETITIONERS]
2 SAROJA

Vs

1 STATE REP BY [RESPONDENT]
THE SUB-INSPECTOR OF POLICE,
PERUNAGAR POLICE STATION,
KANCHIPURAM DISTRICT.
CR.NO.905/2012.

2 R.SASNTHA

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 order of conviction passed in C.A.No.2/2017 on the file of the Additional Sessions Court (Fast Track Court), Kancheepuram, reversing the order of acquittal passed by the Learned Judicial Magistrate-I, Kancheepuram in C.C.No.105/2015 dated 15.12.2016 pending disposal of the above Crl.R.C.No.1156 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.K.M.BALAJI, Advocate for the petitioner, and of M/S.M.MOHAMED RIYAZ, Additional Public Prosecutor, on behalf of the Respondents, the court made the following order:-

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1.This Criminal Miscellaneous Petition has been filed by the petitioners/A1 & A2, seeking suspension of sentence of conviction, imposed by the judgment, dated, 24.07.2019, made in Crl.A.No.2/2017, by the Additional Sessions Court, (Fast Track Court), Kancheepuram, reversing the order of acquittal passed in C.C.No.105/2015, dated 15.12.2016, by the Judicial Magistrate No.1, Kancheepuram, 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 of the Lower Appellate Court the petitioners/A1 & A2 were convicted and sentenced for the offence

under Section 294(b) of IPC to pay a fine of Rs.500/-, in default, to undergo One week Simple Imprisonment.

4. The learned counsel for the petitioners/A1 & A2 would submit that 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 that the Trial Court had acquitted the accused and on appeal filed by the P.W.1/De-facto complainant, the Appellate Court had partly allowed the appeal and convicted the petitioners/A1 & A2 for the offence under Section 294(b) and that the petitioners/A1 & A2 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/A1 & A2 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 Revision Case, the substantive sentence of imprisonment alone is suspended and the petitioners/A1 & A2 are ordered to be enlarged on bail, on the following conditions:-
- i. Each of the petitioners/A1 & A2 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 Judicial Magistrate Court No.1, Kancheepuram.

The Petitioners/A1 & A2 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/-
31/10/2019

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 ADDITIONAL SESSIONS COURT,
(FAST TRACK COURT), KANCHEEPURAM.

2 THE JUDICIAL MAGISTRATE
NO.1, KANCHEEPURAM,

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE SUB-INSPECTOR OF POLICE,
PERUNAGAR POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.K.M.BALAJI Advocate on payment of necessary
charges SR.NO.22515

Order

in
CRL MP.15547/2019
IN
CRL.R.C.NO.1156/2019

Date :31/10/2019

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

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