

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.16354 and 16357 of 2019

IN CRL.RC.NO.1221 OF 2019

1 KALA [PETITIONERS]
2 KARUTHAVANAM
3 UDAYA
4 SELVI

Vs

STATE BY [RESPONDENT]
THE SUB-INSPECTOR OF POLICE,
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI.
CR.NO.43/2009.

Petition praying that in the circumstances stated therein the High Court will be pleased to

[I]suspend the sentence imposed on the petitioners/petitioners in judgment dated 26.09.2019 in Crl.A.No.195/2017 passed by the learned Principal Sessions Judge, Tiruvallur dismissing the Criminal Appeal and by confirming the Judgment dated 12.12.2017 in C.C.NO.195 OF 2009 passed by the learned Judicial Magistrate, Tiruvottiyur and enlarge them on bail pending disposal of the above crl.Rc. [CRL.MP.NO.16354/2019]

[II] Exempt from surrendering the petitioners/petitioners in pursuant to the judgement dated 26.09.2019 in C.A.NO.195 OF 2017 passed by the learned principal Sessions Judge, Thiruvallur Confirming the Judgment dated 12.12.2017 in C.C.NO.195 OF 2017 Passed by the learned Judicial Magistrate, Tiruvottiyur. [CRL.MP.NO.16357/2019]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.V.SATHISH Advocate for the petitioner and of MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

These Criminal Miscellaneous Petitions have been filed by the Petitioners/A-1 to A-4, seeking suspension of conviction and sentence of imprisonment, imposed vide judgment, dated 26.09.2019, made in Crl.A.No.195 of 2017, by the Principal Sessions Judge, Thiruvallur, confirming the judgment of conviction and sentence of imprisonment

passed in C.C.No.195 of 2009, dated 12.12.2017, by the Judicial Magistrate, Thiruvottiyur and to exempt the Petitioners/A-1 to A4, from surrendering before the Trial Court, by the Judgment dated 26.09.2019, made in CrI.A.No.195 of 2017, by the Principal Sessions Judge, Thiruvallur, respectively, pending disposal of this Criminal Revision Case.

2 Heard the learned counsel on either side and also perused the materials placed on record.

3 In and by the impugned judgement of the trial Court the petitioners/A-1 to A-4 were convicted and sentenced for the offences as under:-

ACCUSED	CONVICTION	SENTENCE
A1 and A4	Under Section 341 of IPC	To undergo One month simple imprisonment.
	Under Section 326 of IPC	To undergo Six months simple imprisonment
A2	Under Section 324 of IPC	To undergo Three months rigorous imprisonment
A3	Under Section 341 of IPC	To undergo One month simple imprisonment.

4 The learned counsel for the petitioners/A-1 to A-4 would submit that the petitioners / A-1 to A-4 are ladies. The trial Court has wrongly convicted the petitioners / A-1 to A-4 under Section 326 I.P.C and that there is no corresponding evidence to support the prosecution. He would further submit that the petitioners / A-1 to A-4 have surrendered before the trial Court today and that there are arguable points available in the criminal revision case, which is not likely to be taken up for final hearing in the near future and that the petitioners/ A-1 to A-4 have got a fair chance of succeeding in the criminal revision and hence, the substantive sentence imposed against the Petitioners /A-1 to A-4 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 for the petitioners / A-1 to A-4, 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 relief's of exemption from surrender before the Court, suspension of sentence and bail are granted on the following conditions:-

- i. The petitioners / A-1 to A-4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruvottiyur.

ii.The Petitioners / A-1 to A-4 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/-

25/11/2019

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 JUDICIAL MAGISTRATE,
THIRUVOTTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE
THIRUVALLUR

4 THE SUB-INSPECTOR OF POLICE,
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI.

+3 C.C. to M/S.V.SATHISH Advocate on payment of necessary charges SR.NO. 24188

सत्यमेव जयते

Order

in
CRL MP.16354 AND 16357/2019
IN CRL.RC.NO.1221 OF 2019

Date :25/11/2019

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