

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.16082 of 2019

IN CRL.R.C.NO.1207 OF 2019

MAGESHWARAN

[PETITIONER]

vs

STATE BY ITS

[RESPONDENT]

SUB- INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CHIDAMBARAM,
CUDDALORE DISTRICT.
(CR .NO.65/2011)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1207/2019 on the file of the High Court, the High Court will be pleased to suspend the execution of hte sentence passed against the petitioner on 18/07/2019 in C.A No. 95/2018 on the file of the Learned IIND, Addl district and Session Judge at chidambaram confirming the order of the learned Judicial Magistrate No.II, at Chidambaram made in C.C.NO.57 OF 2012 dated 09.10.2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1207/2019 on the file of the High Court and upon hearing the arguments of M/S.S.SARAVANA KUMAR, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the petitioners/accused, seeking suspension of sentence of conviction, imposed by the judgment, dated, 18.07.2019, made in Crl.A.No.95/2018, by the II Additional District and Sessions Court, Chidambaram, confirming the order of conviction passed in C.C.No.57/2012, dated 09.10.2018, by the Judicial Magistrate No.2, Chidambaram, 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 petitioner/Accused was convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Under Section 482 of IPC.	One year Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo one month simple imprisonment.
2.	Under Section 486 of IPC.	One year Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo one month simple imprisonment.
3.	Under Section 417 of IPC.	One year Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo one month simple imprisonment.

4. The learned counsel for the petitioner/accused 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 petitioner/accused has got a fair chance of succeeding in the Criminal revision and that the petitioner/accused has surrendered before the Trial Court and that the 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 Revision Case, 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 learned II Additional District and Sessions Judge, Chidambaram.

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/-

11/11/2019

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 II ADDITIONAL DISTRICT AND
SESSIONS COURT, CHIDAMBARAM

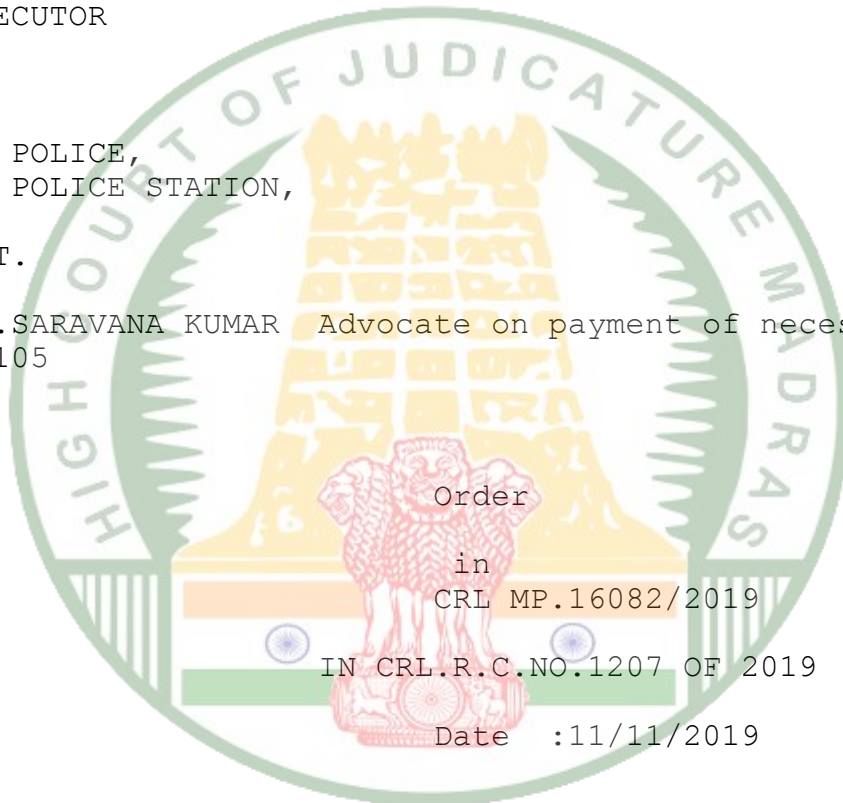
2 THE JUDICIAL MAGISTRATE,
NO.2,CHIDAMBARAM,

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS

5 STATE BY ITS
SUB- INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CHIDAMBARAM,
CUDDALORE DISTRICT.

+1 C.C. to S.SARAVANA KUMAR Advocate on payment of necessary
charges SR.NO. 23105



From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 11/11/2019

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