

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.16072 of 2019
IN CRL.R.C.NO.1203 OF 2019

SATHYARAJ

[PETITIONER]

Vs

UNION OF INDIA
REP. BY THE INSPECTOR OF POLICE,
RAILWAY POLICE FORCE,
VILLUPURAM JUNCTION,
VILLUPURAM, (CRIME NO.2/2004).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1203/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in C.C.No.116 of 2005 on 25.10.2018 by the Spl. Judicial Magistrate Court No.1, (Railway), Cuddalore District and the conviction and sentence was confirmed in C.A.No.116/2018 on 28.6.2019 by the I Additional District and Sessions Judge, Cuddalore and enlarge the petitioner on bail pending disposal of the criminal revision.[CRL.MP.NO.16072/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1203/2019 on the file of the High Court and upon hearing the arguments of M/S. M.RADHAKRISHNAN, Advocate for the petitioner and of MRP.T.RAMKUMAR Advocate on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Petitioner/A-15, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 25.10.2018, made in C.C.No.116/2005, by the Special Judicial Magistrate court No.1(Railway),Cuddalore District, as modified the Conviction by the judgment dated 28.06.2019, made in Crl.A.No.116/2018, by the I Additional District and Sessions Judge, Cuddalore and enlarge him on bail pending disposal of the criminal Revision.
2. This court heard the submissions made by the learned counsel on either side and also perused the materials placed on record.
3. In and by the impugned judgement, the petitioner/A-15 was convicted and sentenced for the offences under section 3(a) of the

Railway property(Unlawful Possession) act, 1966 and sentenced to undergo Three Years Rigorous Imprisonment and to pay a fine of Rs.10,000/-,in default, to undergo Six Months Simple Imprisonment as modified by the Appellate court convicted under section 3 (a)of the Railway Property (Unlawful Possession) act,1966 and sentenced to undergo Two Years Rigorous Imprisonment and to pay a fine of Rs.10,000/-,in default, to undergo Three Months simple Imprisonment.

4. The learned counsel for the petitioner/A-15 would submit that petitioner has surrendered before the Trial court today i.e., 19.11.2019 and that there are arguable points available in the criminal revision, which is not likely to be taken for final hearing in the near future and the petitioner/A-15 has got a fair chance of succeeding in the criminal revision and hence, the substantive sentence imposed against the petitioner/A-15 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, the substantive sentence of imprisonment alone is suspended and the petitioner/A-15 is ordered to be enlarged on bail, on the following conditions:-

i. The petitioner/A-15 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 Judicial Magistrate court No.1, (Railway), Cuddalore.

ii. The petitioner/A-15 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/-

19/11/2019

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 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CUDDALORE
<https://hcservices.ecourts.gov.in/hcservices/>

2 THE JUDICIAL MAGISTRATE COURT NO.1
RAILWAY, CUDDALORE DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 UNION OF INDIA
REP. BY THE INSPECTOR OF POLICE,
RAILWAY POLICE FORCE,
VILLUPURAM JUNCTION,
VILLUPURAM,

+1 C.C. to M/S. M.RADHAKRISHNAN Advocate on payment of necessary
charges SR.NO. 23769

Order

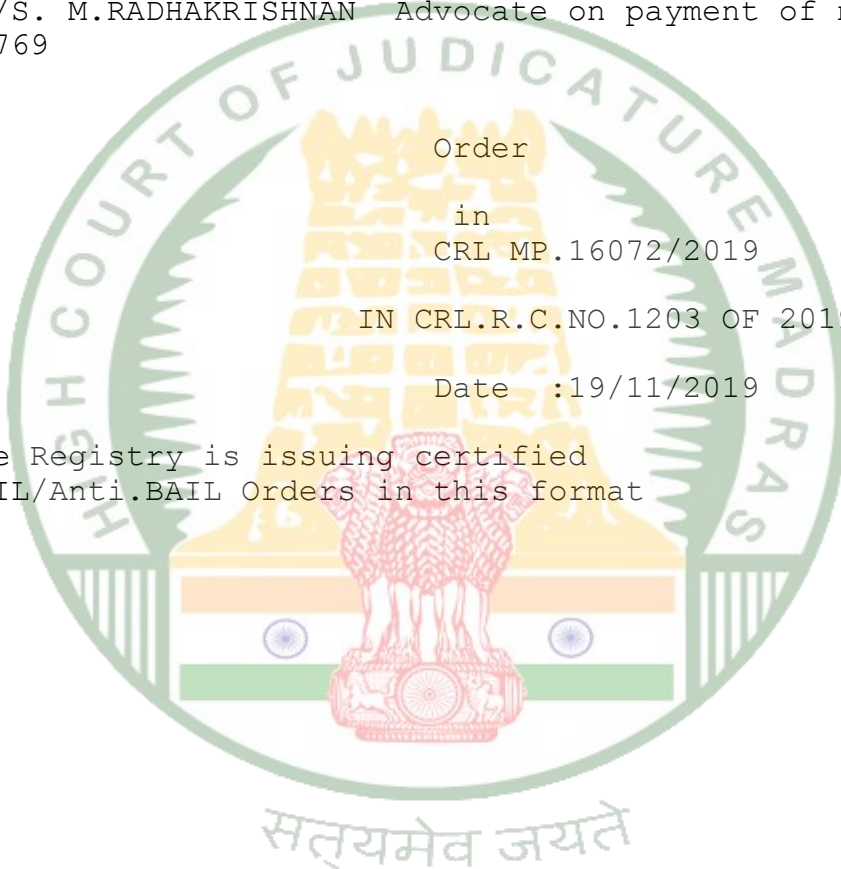
in

CRL MP.16072/2019

IN CRL.R.C.NO.1203 OF 2019

Date :19/11/2019

From 7.2.2001 the Registry is issuing certified
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RD 19/11/2019



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