

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.16159 of 2019

IN CRL.A.NO.758 OF 2019

VASU

[PETITIONER]

vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
THIRUTHANI POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.132/2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.758/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on him by the learned Principal Sessions Judge, Thiruvallur, Thiruvallur District in SC No.115/2017 by judgment dated 14.10.2019 and enlarge the petitioner on bail pending disposal of the abvoe Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.758/2019 on the file of the High Court and upon hearing the arguments of M/S.S.SASIKUMAR, 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 petitioner/accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 14.10.2019, made in S.C.No.115 of 2017, by the Principal Sessions Judge, Thiruvallur, pending disposal of the Criminal Appeal.
- 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, the petitioner/accused was convicted and sentenced for the offence under Section 3 of TNPPDL Act to undergo one year Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months Rigorous Imprisonment.

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4. According to the learned counsel for the petitioner/accused, there

are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/ accused has got a fair chance of succeeding in the Criminal Appeal and that the Trial Court has suspended the sentence imposed on the petitioner/accused till 14.11.2019 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 Appeal, 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.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruthani.
- 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/-
08/11/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE PRINCIPAL SESSIONS JUDGE
THIRUVALLUR

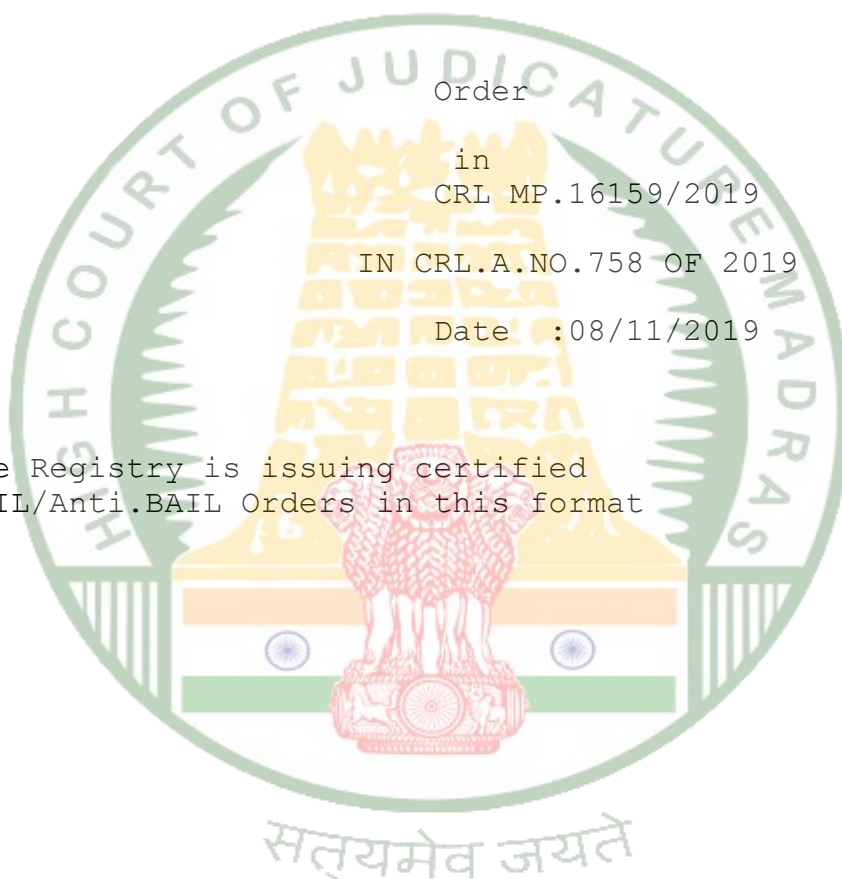
2 THE JUDICIAL MAGISTRATE,
THIRUTHANI

3 THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
THIRUVALLUR [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUTHANI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 C.C. to M/S.S.SASIKUMAR Advocate on payment of necessary
charges SR.NO. 23019



Order

in

CRL MP.16159/2019

IN CRL.A.NO.758 OF 2019

Date :08/11/2019

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