

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 Nos.17356 & 17358 of 2019

in CRL.RC.NO.1281 OF 2019

KUMARAVEL

[PETITIONER IN BOTH THE MPS]

Vs

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

[RESPONDENT IN BOTH THE MPS]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1281 of 2019 on the file of the High Court, the High Court will be pleased to

(i) suspend the sentence imposed against the petitioner in C.C.No.116 of 2005 on 25.10.2018 by the Special 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 above Crl.RC.NO.1281/2019. (IN CRL.MP.NO.17356/2019)

(ii) grant exemption to surrender before the trial court, against his conviction and sentence imposed in C.C.No.116 of 2005 on 25.10.2018 by the Special Judicial Magistrate Court No.1, (Railway), Cuddalore District and the conviction and sentence was confirmed in C.A.No.116/2018 on 28/06/2019 by the I Additional District and Sessions Judge, Cuddalore, in Crl.RC.NO.1281 OF 2019. (IN CRL.MP.NO.17358/2019)

Order : These petitions coming on for orders upon perusing the petitions and the Memorandum of Grounds in Crl.Revision Case No.1281/2019 on the file of the High Court and upon hearing the arguments of M/S. M.RADHAKRISHNAN, Advocate for the petitioner [IN BOTH THE MPS] and of M/S P.T.RAMKUMAR, Advocate on behalf of the Respondent [IN BOTH THE MPS] the court made the following order:-

1. These Criminal Miscellaneous Petitions have been filed by the Petitioner/A14, 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 CrI.A.No.116/2018, by the I Additional District and Sessions Judge, Cuddalore and to exempt the Petitioner/Accused, from surrendering before the Trial Court, by the Judgment dated 25.10.2018, made in CrI.A.No.116/2018, by the I Additional District and sessions Judge, Cuddalore, respectively, pending disposal of this Criminal Revision Case.

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-14 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/A14 would submit that petitioner has surrendered before the Trial Court today i.e., 25.11.2019 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-14 has got a fair chance of succeeding in the criminal revision and hence, the substantive sentence imposed against the Petitioner/A14 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 reliefs of exemption from surrender before the Court, suspension of sentence and bail are granted on the following conditions :-

- i. The Petitioner/ A14 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 Special Judicial Magistrate Court No.I, (Railway), Cuddalore.

ii.The Petitioner/A14 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 SPECIAL JUDICIAL
MAGISTATE COURT NO.1 (RAILWAY),
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RAILWAY POLICE FORCE, VILLUPURAM JUNCTION,
VILLUPURAM.

5 THE I ADDITIONAL DISTRICT
AND SESSIONS JUDGE, CUDDALORE.

C.C. to M/S. M.RADHAKRISHNAN Advocate on payment of necessary charges Sr.24212

Order

in

CRL MP.Nos.17356 & 17358 of 2019

in CRL.RC.NO.1281 OF 2019

Date :25/11/2019

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

RVR 25/11/2019