

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION NO.16573 OF 2019

IN CRL.RC.NO.1239 OF 2019

1 VINAYAGAM

[PETITIONERS / APPELLANTS / ACCUSED]

2 SRIDEVI @ KOKILA

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
THIRUVARUR DISTRICT.
CRIME NO.284 OF 2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.1239 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned District and Sessions Judge, Thiruvarur in C.A.No.44 of 2018 dated 20.06.2019 confirming the judgment of the learned District Munsif cum Judicial Magistrate Nannilam, Thiruvarur in C.C.No.99/2016 dated 04.08.2018 sentencing to undergo 2 years S.I and fine of Rs.500/- for the offence u/s 452 IPC, 2 years S.I and fine of Rs.500- i/d 1 months S.I for the offence u/s 392 of IPC, the and enlarge the petitioner on bail pending disposal of the above CRL.RC.NO.1239 OF 2019 [IN CRL.MP.NO.16573 OF 2019]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.1239 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.S.SURESH, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioners faced trial in C.C.No.99 of 2016 on the file of the District Munsif-cum-Judicial Magistrate Court, Nannilam. Under the judgment dated 04.08.2018, the trial Court convicted the petitioners / accused for the offence under Section 452 IPC and sentenced each of them to undergo two years simple imprisonment and to pay a sum of Rs.500/- as fine and also convicted them for the offence under Section 392 IPC and sentenced each of them to undergo two years simple imprisonment and to pay a sum of Rs.500/- as fine in default to undergo one month simple imprisonment. The

appellate court viz., District and Sessions Court, Thiruvarur,

confirmed the conviction and sentence imposed by the trial Court in the judgment, dated 20.06.2019

2. As against the aforesaid conviction and sentence, the petitioners have filed this Criminal Revision along with the petition seeking suspension of sentence.

3. It is submitted by the learned counsel for the petitioners / accused that the amount of fine had already been paid. The learned counsel further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. The learned counsel also submitted that there are arguable points available in this Criminal Revision, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioners may be suspended.

4. Heard the learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioners.

5. Considering the facts and circumstances of the case and taking into consideration the submissions of learned counsel on either sides, this Court is of the view that the petitioners herein be granted the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners herein are directed to be enlarged on bail on the following conditions:-

- a) The Petitioners/Accused are directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Nannilam;
- b) The Petitioners/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

c) The Petitioners/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calender Month, until the disposal of the Revision Case and if they are not able to appear before the Trial Court on any day, due to unavoidable circumstances, they shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of their absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

11/12/2019

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 DISTRICT AND SESSIONS
JUDGE, THIRUVARUR.

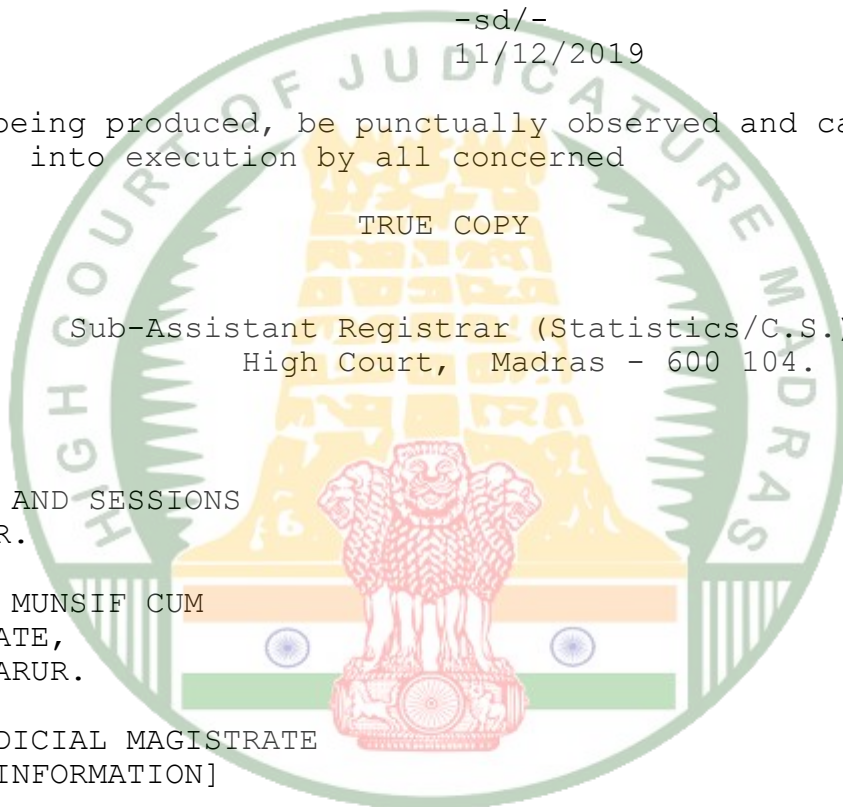
2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
NANNILAM, THIRUVARUR.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
THIRUVARUR DISTRICT.



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+1C.C. to M/S.S.SURESH Advocate on payment of necessary charges SR NO.25575

Order

in
CRL MP.16573/2019
in
CRL RC.1239/2019

Date :11/12/2019

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

MK:13/12/2019



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