

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.16470 & 16474 of 2019

IN CRL.RC.NO.NO.1234/2019

D.RAJENDRAN

[PETITIONER

IN ALL THE PETITIONS]

vs

STATE REPRESENTED BY

[RESPONDENT

INSPECTOR OF POLICE,

IN ALL THE PETITIONS]

ACHARAPAKKAM POLICE STATION,

KANCHEEPURAM DISTRICT.

CR. NO.530/97

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.785/2019 on the file of the High Court, the High Court will be pleased to

[I]suspend the sentence imposed on his in judgement made in C.C.No.93/1998 dated 04/07/2007 passed by Learned Judicial Magistrate, Chengalpattu, Kancheepuram District in confirmed in Crl. A. No.85/2007 dated 25/06/2019 by the learned Additional district & Sessions Judge, chengalpattu, Kancheepuram district and enlarge the petitioner on bail pending disposal of this criminal revision petition. [CRL.MP.NO.16470/2019]

[II]exemption to surrender the petitioner before the Lower court in pursuant to the judgment passed in Crl.Appeal No.85 of 2007 dated 25.06.2019 by the learned Additional District and sessions Judge, chengalpattu, Knacheepuram district in confirming the Judgment of trial court dated 04.07.2007 in C.C.NO.93 OF 1998 on the file of the Learned Judicial Magistrate,, Madhuranthagam, kancheepuram District. [CRL.MP.NO.16474/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.785/2019 on the file of the High Court and upon hearing the arguments of M/S. G.PUNNIAKOTI, Advocate for the petitioner [IN ALL THE PETITIONS]and of MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR on behalf of the Respondent [IN ALL THE PETITIONS]the court made the following order:-

1.These Criminal Miscellaneous Petitions have been filed by the Petitioner/Accused, seeking suspension of conviction and sentence of imprisonment, imposed vide judgment, dated 04.07.2007, made in

C.C.No.93/1998, by the learned Judicial Magistrate, Madurantakam, confirming the judgment of conviction and sentence of imprisonment made in Crl.A.No.85/2007, dated 25.06.2019, by the Additional District and Sessions Court, Chengalpattu and to exempt the Petitioner/Accused, from surrendering before the Trial Court, by the Judgment dated 25.06.2019, made in Crl.A.No.85/2007, by the Additional District and Sessions Court, Chengalpattu, respectively, pending disposal of this 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 Trial Court, the petitioner/Accused was convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Under Section 279 of IPC.	a fine of Rs.500/- in default to undergo three months imprisonment.
2.	Under Section 337 of IPC.	a fine of Rs.300/- in default to undergo one month imprisonment.
3.	Under Section 304 (A) of IPC.	To undergo Six Months Imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months imprisonment.

4. The learned counsel for the petitioner/accused would submit that the petitioner has surrendered before the Trial Court on 20.11.2019 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 that the petitioner/accused has got a fair chance of succeeding in the Criminal revision 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 reliefs of exemption from surrender before the Court, suspension of sentence and bail are granted 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 Judicial Magistrate, Madurantakam.

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/-

21/11/2019

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 JUDICIAL MAGISTRATE,
CHENGALPATTU, KANCHEEPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CHENGALPATTU,
KANCHEEPURAM DISTRICT

4 THE JUDICIAL MAGISTRATE,
MADURANTAKAM

5 THE INSPECTOR OF POLICE,
ACHARAPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. G.PUNNIAKOTI Advocate on payment of necessary charges SR.NO. 23997

WEB COPY

Order

in

CRL MP.16470 & 16474/2019

IN CRL.RC.NO.NO.1234/2019

Date :21/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 21/11/2019