

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.16782 of 2019

IN CRL.A.NO.785 of 2019

A.ARIVUMANI

[ PETITIONER ]

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
KADATHUR POLICE STATION,  
DHARMAPURI DISTRICT.  
CRIME NO.55/2016.

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence dated 01/10/2019 passed in S.C.No. 123/2018 against the appellant on the file of the Principle Sessions Judge, Dharmapuri, pending disposal of the above Crl.A.No.785 of 2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.J.BHARATHI RAJA, Advocate for the petitioner, and of M/S.M.MOHAMED RIYAZ, Additional 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 conviction, imposed by the judgment, dated, 01.10.2019, made in S.C.No.123/2018, by the II Principal Sessions Judge, Dharmapuri, 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 of the Lower Appellate Court the petitioner/Accused was convicted and sentenced as under:

| S.No. | Conviction                           | Sentence                                                                                                                 |
|-------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 1.    | Under Section 323 of IPC.            | Three Months Simple Imprisonment and to pay a fine of Rs.1,000/- in default to undergo Fifteen Days simple imprisonment. |
| 2.    | Under Section 5 of TNPPDL Act, 1992. | One year Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo Three Months Simple Imprisonment.   |

4.The learned counsel for the petitioner/accused would submit that there are arguable points available in the criminal appeal, 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 appeal and that the the Trial Court had suspended the sentence till 12.12.2019 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the Principal Sessions Judge, Dharmapuri.

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/-

19/11/2019

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

TRUE COPY

WEB COPY

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

TO

1 THE II PRINCIPAL SESSIONS JUDGE,  
DHARMAPURI.

2 THE INSPECTOR OF POLICE,  
KADATHUR POLICE STATION,  
DHARMAPURI DISTRICT.

<https://mcservices.ecourts.gov.in/mcservices/>

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 C.C. to M/S. J.BHARATHI RAJA Advocate on payment of necessary  
charges SR.NO.23844

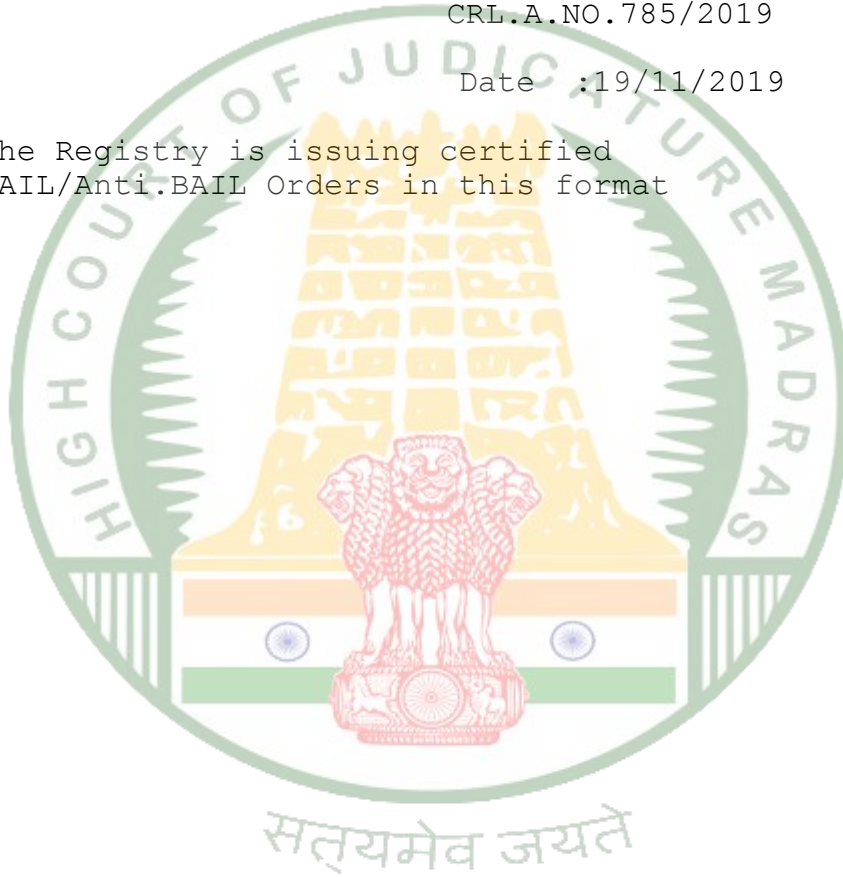
Order

in  
CRL MP.16782/2019  
in  
CRL.A.NO.785/2019

Date :19/11/2019

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

TA-25/11/2019



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