

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.16415 of 2019

IN CRL RC.1230/2019

1 RAJU [PETITIONERS]
2 AYYANAR
3 GANAPATHI

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CHIDAMBARAM POLICE STATION,
CHIDAMBARAM.
CR.NO.682 OF 2012.

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 execution of the sentence passed in CC.No.275 of 2012 by the learned Judicial Magistrate No.II at Chidambaram dated 07.01.2019 which was confirmed against the petitioners in C.A.No.35 of 2019 dated 26.07.2019 on the file of the learned II Additional District and Sessions court, Chidambaram pending disposal of Crl.R.C.No.1230 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.R.THAMARAI SELVAN, Advocate for the petitioners, and of M/S.M.MOHAMED RIYAZ, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioners/A1 to A3, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 07.01.2019, made in C.C.No.275 of 2012, by the learned Judicial Magistrate No.II, Chidambaram, as confirmed in the judgment, dated 26.07.2019, made in C.A.No.35 of 2019, by the learned II Additional District and Sessions Court, Chidambaram, pending disposal of the 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 judgements, the Petitioners/ A1 to A3 were convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	U/s.147 of IPC	Six months rigorous imprisonment (A1 to A3)
2.	U/s.353 of IPC	To pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment (A1 to A3)
3.	U/s.224 of IPC	One year rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment (A1)
4.	U/s.225 of IPC	One year rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment (A2 & A3)

4 According to the learned counsel for the Petitioners/A1 to A3, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioners/A1 to A3 has got a fair chance of succeeding in the Criminal Revision Case and that the petitioners/A1 to A3 have surrendered before the Trial Court on 11.11.2019 hence, the substantive sentence imposed against the Petitioner/A1 to A3 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 substantive sentence of imprisonment alone is suspended and the Petitioners/ A1 to A3 is ordered to be enlarged on bail, on the following conditions:-

- i. Each of the Petitioners/ A1 to A3 shall execute a bond for a sum of Rs.25,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Chidambaram.

The Petitioners/A1 to A3 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/-
12/11/2019

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 II ADDITIONAL DISTRICT AND SESSIONS
COURT, CHIDAMBARAM,

2 THE JUDICIAL MAGISTRATE NO.II,
CHIDAMBARAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
CHIDAMBARAM POLICE STATION,
CHIDAMBARAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 C.C. to M/S.R.THAMARAI SELVAN Advocate on payment of
necessary charges SR.NO.23166

WEB COPY

Order

in

CRL MP.16415/2019

in

CRL RC.1230/2019

Date :12/11/2019

From 7.2.2001 the Registry is issuing certified
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