

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.17094 of 2019

IN CRL.RC.NO.1266 OF 2019

1 P.V.RAJAH @ VARADHARAJ [PETITIONER / APPELLANT / ACCUSED]
2 V.USHA @ USHARANI

Vs

STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
CRIME BRANCH CID,
NAMAKKAL DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.1266 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Crl.A.No.19/2019 passed by the learned Additional District Sessions Judge, Namakkal dated 18.10.2019 confirming the Judgment of the learned Chief Judicial Magistrate Namakkal in CC.No.56/2008 dated 04.06.2019 and enlarge the Petitioners / Appellants / Accused in bail pending above CRL.RC.NO.1266 OF 2019 [IN CRL.MP.NO.17094 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.1266 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.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 Petitioners/A1 & A2, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 18.10.2019, made in Crl.A.No.19/2019, by the Additional Sessions Judge, Namakkal confirming the judgment of conviction and sentence passed in the Judgment dated 04.06.2019, made in C.C.No.56/2008, by the learned Chief Judicial Magistrate, Namakkal and enlarge the Petitioners/A1 & A2, on bail, pending disposal of the criminal revision.

2.This court heard the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on record.

3. In and by the impugned judgements, the Petitioners/A1 & A2, were convicted and sentenced for the offences as stated under:

Sl.No.	Conviction	Sentence
1.	Under Section 120(b) of IPC	To undergo Three Years Simple Imprisonment and to pay a fine of Rs.9,000/- in default to undergo One Month Simple Imprisonment (For A1 & A2)
2.	Under Section 468 of IPC	To undergo Three Years Simple Imprisonment and to pay a fine of Rs.9,000/- in default to undergo One Month Simple Imprisonment (For A1 & A2)
3.	Under Section 471 of IPC	To undergo Two Years Simple Imprisonment and to pay a fine of Rs.9,000/- in default to undergo One Month Simple Imprisonment (For A1 & A2)
4.	Under Section 420 of IPC	To undergo Three Years Simple Imprisonment and to pay a fine of Rs.9,000/- in default to undergo One Month Simple Imprisonment (For A1 & A2)
5.	Under Section 419 of IPC	To undergo Three Years Simple Imprisonment and to pay a fine of Rs.9,000/- in default to undergo One Month Simple Imprisonment (For A1 & A2)
6.	Under Section 424 of IPC	To undergo Two Years Simple Imprisonment and to pay a fine of Rs.5,000/- in default to undergo One Month Simple Imprisonment (For A1)

The sentences were ordered to run concurrently.

4. The learned counsel for the Petitioners/A1 & A2 would submit that and 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 Petitioners/A1 & A2 have got a fair chance of succeeding in the criminal revision and that the Petitioners/A1 & A2 have surrendered before the Trial Court on 26.11.2019 and hence, the substantive sentence of imprisonment imposed against the Petitioners/A1 & A2 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 substantive sentence of imprisonment alone is suspended and the Petitioners/A1 & A2 are ordered to be enlarged on bail, on the following conditions:-

i. Each of the Petitioners/A1 & A2 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 Chief Judicial Magistrate, Namakkal.

ii. The Petitioners/A1 & A2 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/-

28/11/2019

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 ADDITIONAL DISTRICT
SESSIONS JUDGE, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CRIME BRANCH CID,
NAMAKKAL DISTRICT.

+1C.C. to M/S.S.SURESH Advocate on payment of necessary
charges SR NO.24615

WEB COPY

Order

in

CRL MP.17094/2019

in

CRL RC.1266/2019

Date :28/11/2019

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