

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.17126 of 2019

IN CRL.A.No.801 OF 2019

BALAMURUGAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SALEM TOWN, SALEM DISTRICT.
CR.NO.15/2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.801 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Sessions Judge, Mahila Court at Salem in SC No.82/2016 dated 21.10.2019, under Section 417 of the Indian Penal code, for rigorous imprisonment for a period of 1 year and to pay a fine amount of Rs.20,000/- in default of which sentence to undergo simple imprisonment for a period 3 months and under Section 4 of Tamilnadu Prohibition of Women Harassment Act, 1998, for rigorous imprisonment for a period of 3 years and to pay a fine amount of Rs.10,000/- (totally Rs.30,000/-) in default of which sentence to undergo simple imprisonment for a period of 6 months pending disposal of the present Crl.A.No.801 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.801 of 2019 on the file of the High Court and upon hearing the arguments of M/S.R.JAYAPRAKASH, 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 Petitioner/A1, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 21.10.2018, made in S.C.No.82/2016, by the Sessions Judge, Mahila Court, Salem and enlarge the petitioner/A1 on bail pending disposal of the Criminal Appeal.
- 2.This court heard the submissions made by the learned counsel on either side and also perused the materials placed on record.
- 3.In and by the impugned judgement, the Petitioner/A1 was convicted and sentenced for the offences under Sections 417 of IPC to undergo One Year Rigorous Imprisonment and to pay a fine of Rs.20,000/-, in

default, to undergo Three Months Simple Imprisonment and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998, to undergo Three Years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo Six Months Simple Imprisonment and the sentences were ordered to run concurrently.

4. The learned counsel for the Petitioner/A1 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 the petitioner/ A1 has got a fair chance of succeeding in the criminal appeal and that the Trial Court has suspended the sentence till today i.e., 21.11.2019 and that hence, the substantive sentence imposed against the Petitioner/A1 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/A1 is ordered to be enlarged on bail, on the following conditions:-
 - i. The Petitioner/ A1 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 Sessions Judge, Mahila Court, Salem.
 - ii. The Petitioner/A1 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 SESSIONS JUDGE,
MAHILA COURT, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SALEM TOWN,
SALEM DISTRICT.

C.C. to M/S.R.JAYAPRAKASH Advocate on payment of necessary
charges Sr.24047

Order

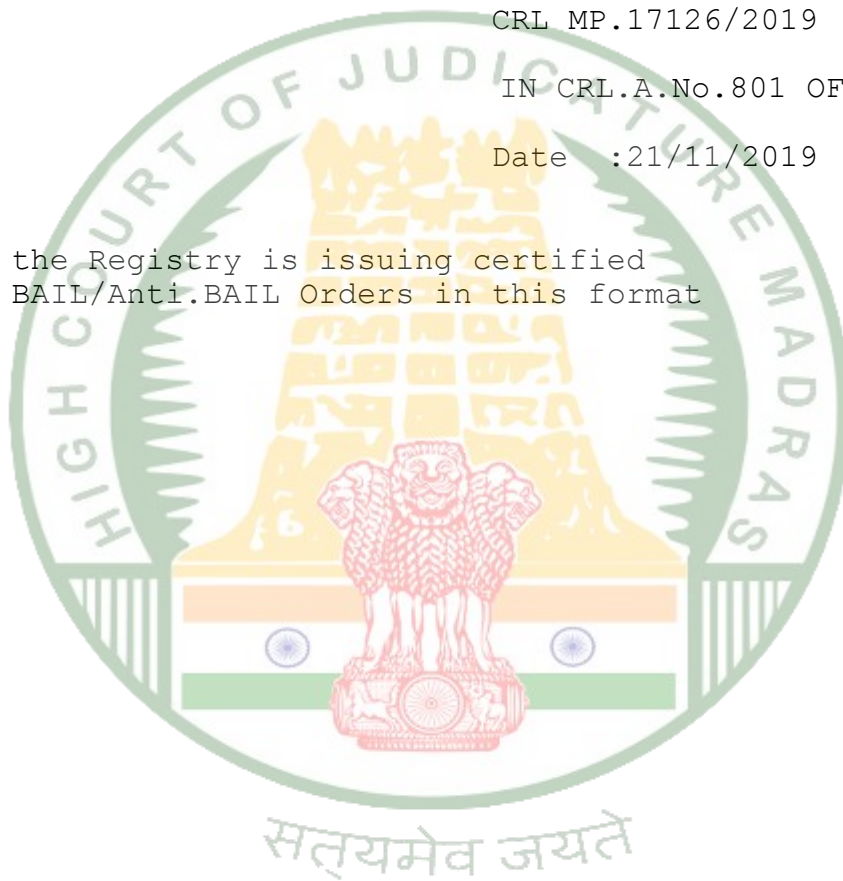
in
CRL MP.17126/2019

IN CRL.A.No.801 OF 2019

Date :21/11/2019

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

RVR 21/11/2019



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