

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.17480 of 2019

IN CRL.RC.NO.129 OF 2019

NARAYANASAMY

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KAVERIPATTINAM,
KRISHNAGIRI
TALUK AND DISTRICT,
CR.NO.545/2015

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1291/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in the Judgment of the learned Judicial Magistrate No.1, Krishnagiri dated 09.10.2018 in C.C.No.136 of 2015 and confirmed in the Judgment of the learned Additional Sessions Judge of Krishnagiri dt. 8.7.19 in CRL.A.NO.51 OF 2018 and enlarge the petitioner on bail pending disposal of the above Crl.R.C.NO.1291/2019.

सत्यमेव जयते

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1291/2019 on the file of the High Court and upon hearing the arguments of M/S.NICHOLAS Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDL.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Petitioner/A2, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 09.10.2018, made in C.C.No.136/2015, by the Judicial Magistrate No.1, Krishnagiri confirming the judgment of conviction and sentence passed in the Judgment dated 08.07.2019, made in Crl.A.No.51/2016, by the Additional Sessions Judge, Krishnagiri and enlarge the petitioner/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 Petitioner/A2 was convicted and sentenced for the offences as stated under:

Sl.No.	Conviction	Sentence
1.	Under Section 294(b) of IPC	To pay a fine of Rs.1,000/- in default to undergo One Week Imprisonment.
2.	Under Section 324 of IPC	To undergo Two Years Simple Imprisonment and to pay a fine of Rs.1,000/- in default to undergo One Months Simple Imprisonment.
3.	Under Section 506(ii) of IPC	To undergo One Year Simple Imprisonment and to pay a fine of Rs.500/- in default to undergo One Month Simple Imprisonment.

The sentences were ordered to run concurrently.

4. The learned counsel for the Petitioner/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 the petitioner/ A2 has got a fair chance of succeeding in the criminal revision and that the the petitioner/A2 had surrendered before the Trial Court and hence, the substantive sentence of imprisonment imposed against the Petitioner/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 Petitioner/A2 is ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioner/ 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 Judicial Magistrate No.1, Krishnagiri.

II.The Petitioner/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 JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI[FOR INFORMATION]

3 THE I ADDITIONAL SESSIONS
JUDGE, KRISHNAGIRI

4 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KAVERIPATTINAM,
KRISHNAGIRI TALUK AND DISTRICT,

+1 C.C. to M/S.V.NICHOLAS Advocate on payment of necessary charges SR.NO. 24594

सत्यमेव जयते
Order

in
CRL MP.17480/2019

IN CRL.RC.NO.129 OF 2019

Date :28/11/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 28/11/2019