

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Fifth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18010 of 2019

IN CRL.RC.NO.1338/2019

PRABHURAM

[PETITIONER / PETITIONER /
APPELLANT / ACCUSED]

Vs

STATE BY

INSPECTOR OF POLICE,
KARUMALAIKODAL POLICE STATION,
SALEM DISTRICT.
(CRIME NO.288/2011).

[RESPONDENT / RESPONDENT /
RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1338/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in C.C.No.213 of 2011 dated 23.08.2018 on the file of the Learned Judicial Magistrate No.II, Mettur and confirmed, modified and enhanced the sentence by the Learned Additional District Judge, Additional District (Fast Track Court) Mettur in Crl.A.No.139 of 2018 dated 31.10.2019, pending disposal of the above mentioned Crl.RC.No.1338/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1338/2019 on the file of the High Court and upon hearing the arguments of MR.RM.VENKATESH, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in C.C.No.213 of 2011 on the file of learned Judicial Magistrate No.II, Mettur. Under judgment dated 23.08.2018, the trial Court convicted and sentenced the petitioner / accused of the offences as tabulated hereunder:-

Convicted of the Offence	Sentenced
Under Section 338 IPC (three counts)	to pay a fine of Rs.800/- each, in default to undergo simple imprisonment for 1 month.
Under Section 304-A IPC	to undergo simple imprisonment for three months and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 4 weeks.
Under Section 279 IPC	to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 4 weeks.

2.The conviction and sentence imposed by the trial Court was modified by the Additional District (Fast Track) Court, Mettur, in the judgment, dated 31.10.2019, the details of which are tabulated below:-

Convicted of the Offence	Sentenced
Under Section 338 IPC (three counts)	to undergo Two years of R.I. with fine of Rs.1,000/- in default to undergo six months S.I.
Under Section 304 A IPC	to undergo two years of R.I. with fine of Rs.50,000/- in default to undergo six months S.I.
Under Section 279 IPC	to undergo six months R.I.
	Total fine amount is fixed at Rs.49,000/-.

3.In the said judgment of the Appellate Court, it was held that the petitioner paid the fine amount of Rs.49,000/- and hence, the suspension of sentence was ordered till 29.11.2019.

4.As against the aforesaid conviction and sentence, the petitioner has filed this Criminal Revision along with the petition seeking suspension of sentence.

5.It is submitted by the learned counsel for the petitioner / accused that the amount of fine had already been paid, as directed by the appellate Court in its judgment. The learned counsel further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. The learned counsel also submitted that there are arguable points available in this Criminal Revision, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

<https://hcservices.ecourts.gov.in/hcservices/>
6.Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

7.Considering the facts and circumstances of the case and taking into consideration the submissions of learned counsel for petitioner, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

8.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Mettur;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calender Month, until the disposal of the Revision Case and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

05/12/2019

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 JUDGE,
ADDITIONAL DISTRICT (FAST TRACK COURT)
METTUR.

2 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
NO.11, METTUR.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KARUMALAIKOODAL POLICE STATION,
SALEM DISTRICT.

C.C. to MR.RM.VENKATESH Advocate on payment of necessary
charges

Order

in
CRL MP.18010/2019

in
CRL.RC.1338/2019

Date :05/12/2019

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copies of the BAIL/Anti.BAIL Orders in this format
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