

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of December Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18271 of 2019

IN CRL.RC.NO.1387 OF 2019

1 VISWANATHAN
2 CHINNAMMAL
3 MURALISANKAR
4 BALAKRISHNAN

[PETITIONERS]

Vs

STATE BY
SUB-INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.
CR.NO.263/2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1387/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in the Judgment of C.A.No.168/2018 dated 22.10.2019 on the file of III-Additional District Judge, Salem by confirming the sentence punishment passed in the judgment passed in CC NO.56/2016 dated 10.10.2018 on the file of judicial Magistrate No.IV,Salem pending disposal of the above revision .
[CRL.MP.NO.18271/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1387/2019 on the file of the High Court and upon hearing the arguments of MR.R.NALLIYAPPAN Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioners faced trial in C.C.No.56 of 2016 on the file of learned Judicial Magistrate No.IV, Salem. Under judgment dated 10.08.2018, the trial Court convicted and sentenced the petitioners / accused of the offences as tabulated hereunder:-

Accused	Conviction	Sentence
A-1	Under Section 294 (b) IPC	to pay a fine of Rs.500/-, in default to undergo one week Simple Imprisonment.
	Under Section 324 IPC	to pay a fine of Rs.750/-, in default to undergo one week Simple Imprisonment.

Accused	Conviction	Sentence
A-2	Under Section 294 (b) IPC	to pay a fine of Rs.500/-, in default to undergo one week Simple Imprisonment.
A-3	Under Section 324 (2 counts)	to pay a fine of Rs.750/- for each count, in default to undergo one week Simple Imprisonment.
A-4	Under Section 326 IPC	to undergo six months Simple Imprisonment and to pay a fine of Rs.2,000/-, in default to undergo one month Simple Imprisonment.
	Under Section 506 (2) IPC.	to pay a fine of Rs.1,000/- in default to undergo one week Simple Imprisonment.

2.The conviction and sentence imposed by the trial Court against the four accused / petitioners herein were confirmed by the III Additional District Court, Salem, in the judgment, dated 22.10.2019.

3. As against the aforesaid conviction and sentence, the petitioners have filed the Criminal Revision, along with the present petition seeking suspension of sentence.

4. The learned counsel for the petitioners submitted that the petitioners / appellants were not directly involved in the offence and the circumstantial evidence was not properly considered by the courts below and hence the Courts below have erroneously convicted and sentenced the petitioners. It is also submitted by the learned counsel for the petitioners / accused that the fine amounts had already been paid, as directed by the appellate Court in its judgment. He further 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 petitioners may be suspended.

5.Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioners.

6. Considering the facts and circumstances of the case and taking into account the submissions of the learned counsel on either side, this Court is of the view that the petitioners herein can be granted the relief of suspension of sentence.

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

a)Each of the Petitioners/Accused shall 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.IV, Salem;

b)The Petitioners/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 Petitioners/Accused shall appear before the Trial Court on each and every hearings before the Trial Court, until the disposal of the Revision Case and if they are not able to appear before the Trial Court on any day, due to unavoidable circumstances, they 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/-

09/12/2019

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 III ADDITIONAL DISTRICT
JUDGE, SALEM

2 THE JUDICIAL MAGISTRATE,
NO.IV, SALEM

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 SUB-INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.

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+1 C.C. to N.PREMALATHA Advocate on payment of necessary charges SR.NO. 25301

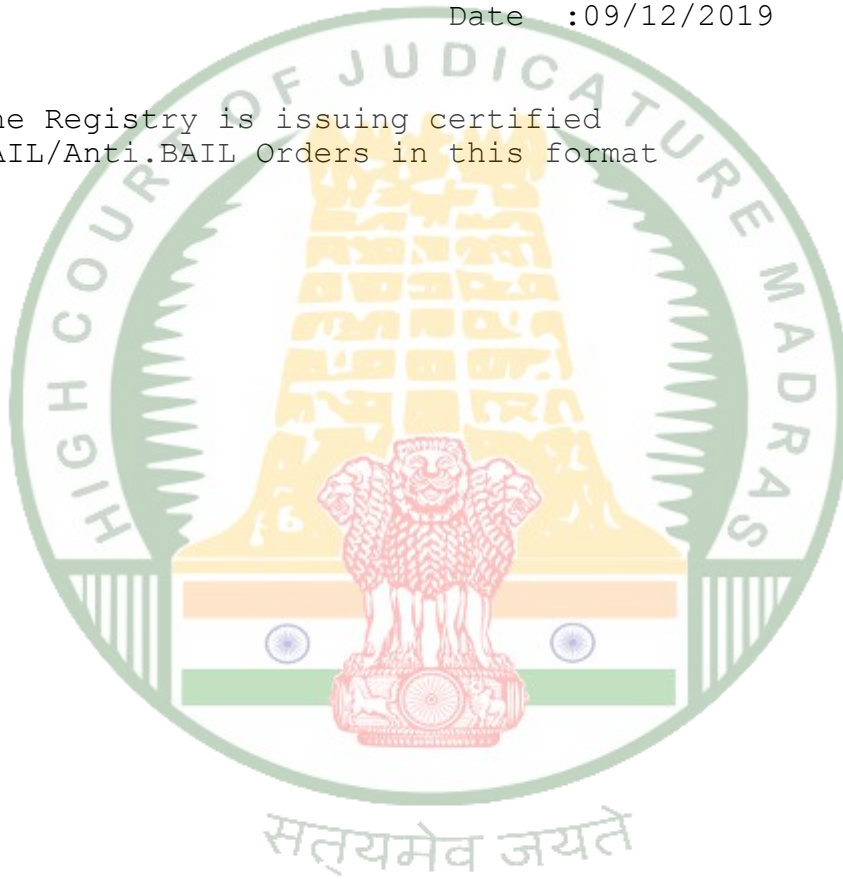
Order

in
CRL MP.18271/2019

IN CRL.RC.NO.1387 OF 2019

Date :09/12/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 12/12/2019



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