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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.12.2019

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.Nos.34695 & 34702 of 2019

1. Dr.R.Krishnamurthy ...Petitioner in Crl.O.P.No.34695/2019
2. Dr.R.Lakshmipathy ...Petitioner in Crl.O.P.No.34702/2019

Vs.

Muthamizh Mudhalvan ...Respondent in both petitions

Common Prayer:- Criminal Original Petitions filed under Section 482 of Cr.P.C to stay the operation of the portion of the order dated 20.12.2019 passed in Crl.M.P.Nos.2727 & 2728 of 2019 in C.A.No.45 of 2019 imposing condition of appearance of the petitioner and sign before the Judicial Magistrate, I, Krishnagiri, on 1st working day of every month at 10.30 am and to execute bond for a sum of Rs.10,000/- with two sureties each for a like sum on the satisfaction of the Judicial Magistrate - I, Krishnagiri, pending on the file of District and Sessions Judge, Krishnagiri, pending disposal of the above Criminal Original Petition.

For Petitioners : Mr.I.Subramanian
Senior Counsel for
M/s.S.Elambharathi

For Respondent : Mr.R.Ganeshkumar
..in both Petitions.

COMMON ORDER

Heard learned Senior Counsel appearing for the petitioners and the learned Senior Counsel appearing for the respondent.

2. The respondent has instituted a private complaint under Section 500 IPC against the petitioners herein. The case against them ended in conviction and sentence on 05.09.2019 in C.C.No.273/2006 on the file of the Judicial Magistrate No.I, Krishnagiri and questioning the same, the petitioners had filed Crl.A.No.45 of 2019 before the District Sessions Judge, Krishnagiri and vide order dated 20.12.2019, the Appellate Court had suspended the sentence on condition that the



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petitioners should execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, I Krishnagiri on 1st working day of every month at 10.30 am until disposal of the appeal. Aggrieved by the said condition, these Criminal Original Petitions have been filed.

3. The learned counsel appearing for the respondent / complainant submitted that these are usual conditions that are imposed by the Appellate Court while suspending the sentence imposed by the Trial Court and that he called upon this Court to dismiss the Original Petition as lacking in merits.

4. The learned Senior Counsel appearing for the petitioners points out that the petitioners were directed to pay a compensation amount of Rs.5 lakhs (each) apart from being sentenced to undergo simple imprisonment for two years. The learned Senior Counsel appearing for the petitioner would further state that a sum of Rs.10 lakhs has been deposited as fine amount.

5. I find it strange that the petitioners should be called upon to execute a bond for a sum of Rs.10,000/- with two sureties each when they had deposited Rs.10.00 lakhs and therefore, considering the facts and circumstances of the case, the first condition imposed by the Appellate Court that the petitioners should furnish two sureties each, is deleted. The petitioners shall of course have to execute personal bonds.

6. The learned senior counsel appearing for the petitioners states that Dr.R.Krishnamurthy is suffering from Dementia and he is aged about 89 years and therefore he may have difficulty in travelling to Krishnagiri.

7. Considering the special circumstances pleaded by the learned Senior Counsel, Dr.R.Krishnamurthy is permitted to execute his own bond before the XXIII Metropolitan Magistrate, Saidapet on or before 25.01.2020.

8. The other petitioner viz., Dr.R.Lakshmipathy, shall however appear before the Judicial Magistrate - I, Krishnagiri for executing his own bond.

9. As rightly pointed out by the learned Senior Counsel that the petitioners are associated with a prestigious daily newspaper. The possibility of their absconding is nil. Hence, the condition that they should sign before the Judicial Magistrate I, Krishnagiri at 10.30 am on 1st working day of every month during the pendency of the appeal, is also deleted.



10. These Criminal Original Petitions are allowed with the above directions.

Sd/-
Assistant Registrar (CS-III)

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Sub Assistant Registrar

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To

1. The Judicial Magistrate No-I,
Krishnagiri.

2. District and Sessions Judge,
Krishnagiri.

+2cc to M/s.S.Elambharathi, Advocate SR.106839,106840

Cr1.O.P.Nos.34695 & 34702 of 2019

AD (CO)

CB(03/01/2020)