

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.268 of 2020

IN CRL.R.C.NO.53 of 2020

MAYANDI

[PETITIONER]

Vs

STATE BY
THE INSPECTOR OF POLICE,
VELLIPALAYAM POLICE STATION,
CRIME NO.54/2011.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence and enlarge the petitioner on bail in S.C.NO.97/2011 on the file of Assistant Sessions Judge cum Chief Judicial Magistrate, Nagapattinam confirmed by Sessions Court, Fast Track Mahila Court, Nagapattinam in C.A.No.3/2012 dated 18.09.2019 till the disposal of main Crl.R.C.No.53 of 2020.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.M.K.SUBRAMANIAN, Advocate for the petitioner, and of M/S.R.RAVICHANDRAN, Govt. Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The petitioner faced trial in Sessions Case No.97 of 2011 on the file of learned Assistant Sessions Judge (Chief Judicial Magistrate), Nagapattinam. Under judgment dated 07.02.2012, the trial Court convicted and sentenced the petitioner / A-2 for the offences as tabulated hereunder:-

Conviction	Sentence
Under Section 342 IPC	to undergo Rigorous Imprisonment for six months.
Under Section 307 r/w 109 IPC	to undergo Rigorous Imprisonment for five years and to pay a fine of Rs.1,000/-, in default to undergo one month Rigorous Imprisonment.

2. The conviction and sentence imposed by the trial Court against the petitioner / A-2 were confirmed by the learned Sessions Judge, Fast Track Mahila Court, Nagapattinam, in the judgment, dated 18.09.2019.

3. As against the aforesaid conviction and sentence, the petitioner / A-2 has filed the Criminal Revision, along with the present petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that the petitioner / appellant was 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 petitioner. It is also submitted by the learned counsel for the petitioner / A-2 that the fine amount 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 petitioner may be suspended.

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

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 petitioner herein can be granted the relief of suspension of sentence.

7. Accordingly the substantive sentence of imprisonment alone is suspended and the petitioner herein (A-2) is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner / A-2 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 Assistant Sessions Judge cum Chief Judicial Magistrate, Nagapattinam;
- b) The Petitioner / A-2 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.

The Petitioner / A-2 shall appear before the Trial Court on each and every hearings, 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/-
22/01/2020

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
FAST TRACK MAHILA COURT, NAGAPATTINAM.

2 THE ASSISTANT SESSIONS JUDGE
CUM CHIEF JUDICIAL MAGISTRATE, NAGAPATTINAM.

3 THE ASSISTANT SESSIONS JUDGE
CHIEF JUDICIAL MAGISTRATE, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELLIPALAYAM POLICE STATION,

6 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 C.C. to M/S.M.K.SUBRAMANIAN Advocate on payment of necessary charges SR.NO.1281

Order

in
CRL MP.268/2020
in
CRL.R.C.NO.53/2020

Date :22/01/2020

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TA-24/01/2020