



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of January Two Thousand Twenty

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.722 of 2020

IN CRL A.35/2020

SADACHARAM @ SADHASIVAM

[PETITIONER / APPELLANT /
ACCUSED]

Vs

STATE REP.BY [RESPONDENT / RESPONDENT /
THE DEPUTY SUPERINTENDENT OF POLICE, COMPLAINANT]
VIGILANCE AND ANTI-CORRUPTION,
CUDDALORE.
CR.NO.8/AC/98CL.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.35/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner by the learned Chief Judicial Magistrate/Special Judge, Cuddalore against the appellant dated 06.12.2019 in Special case No.3 of 2003 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.35/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.35/2020 on the file of the High Court and upon hearing the arguments of MR.R.AMARDEEP, Advocate for the petitioner and of MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner was convicted for offences under Sections 468 of IPC and sentenced him to undergo Rigorous Imprisonment for four years and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for two months and convicted for the offence under Section 471 of IPC and sentenced him to undergo Rigorous Imprisonment for two years and to pay a fine of Rs.2,000/-, in default to undergo Simple Imprisonment for two months and also convicted the petitioner under Section 409 of IPC and sentenced him to undergo Rigorous Imprisonment for four years and to pay a fine of Rs.5,000/- in default to undergo Simple Imprisonment for two months. Total Fine imposed is Rs.12,000/- by the learned Chief Judicial Magistrate/Special Judge, Cuddalore in Special Case No.3 of 2003 on 06.12.2019.

2.Heard Both Sides.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The learned counsel appearing for the petitioner would submit that immediately after the sentence of conviction, the petitioner had surrendered before the Trial Court and he is in prison till now. On instructions he would further submit that the petitioner is ready to deposit Rs.1 lakh. Considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence. He would further submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the appellant is entitled for the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) within a period of three weeks from the date of receipt of a copy of this order to the credit of Special Case No.3 of 2003 on the file of the learned Chief Judicial Magistrate/Special Judge, Cuddalore, failing which, the suspension of substantive sentence of imprisonment alone granted today, shall stand automatically vacated, without any further reference to this Court and on further condition that the the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate/Special Judge, Cuddalore and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-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 CHIEF JUDICIAL MAGISTRATE/
SPECIAL JUDGE, CUDDALORE.

2 THE SUPERINTENDENT,
<https://hcservices.ecourts.gov.in/hcservices/>
CENTRAL JAIL, CUDDALORE.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CUDDALORE.

+1 C.C. to M/S.TAMIZH LAW FIRM Advocate on payment of necessary
charges SR.No.1099

Order

in
CRL MP.722/2020

in
CRL A.35/2020

Date :22/01/2020

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