

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL MISCELLANEOUS PETITION No.1678 of 2020

IN CRL.RC.NO.230 OF 2020

RAMACHANDRAN

[PETITIONER]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.
CR.NO.26/2012.

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence passed in CA No.20/2018 dated 12.09.2019 by this learned Additional District and Session Judge, Hosur confirmed the judgment in CC No.14/2013 dated 27.02.2018 passed by the learned Judicial Magistrate-I, Hosur, release the Petitioner on bail until disposal of the criminal revision.[CRL.MP.NO.1678/2020]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.A.BALAMURUGAN Advocate for the petitioner and of MR.T.SHANMUGA RAJESWARAN Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

The learned counsel for the petitioner has submitted that the petitioner was convicted by the learned Judicial Magistrate No.1, Hosur in C.C.NO.14 of 2013 for the alleged offence under Sections 498-A, 506(i) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. He further submitted that for the offence under Section 498-A, the petitioner was sentenced to undergo one year simple imprisonment and also directed to pay a fine of Rs.2,500/- in default, he has to undergo simple imprisonment for further period of six months and for the offence under Section 4 of Prohibition of Harassment of Women Act, sentenced to undergo simple imprisonment for six months and also directed to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for two months. He further submitted that against the judgment of conviction and sentence passed by the learned Judicial Magistrate No.1, the petitioner has filed an appeal in C.A.No.20 of 2018 on the file of the Additional District and Sessions Judge, Hosur, He further submitted that the learned Additional District and Sessions Judge, Hosur by the order dated 12.09.2020, has dismissed the said appeal and confirmed the judgment

of conviction and sentence passed by the trial court. He further submitted that in pursuance of the said judgment, the petitioner was arrested and committed to jail on 29.11.2019 and from that date onwards, he is in custody at Central Prison, Vellore. He further submitted that the Courts below failed to consider the material contradictions. He further submitted that the petitioner is having a chance to suspend the sentence.

2. The learned Government Advocate who is appearing for the respondent has submitted that the trial court after taking into consideration of the evidence adduced by the prosecution has rightly convicted the petitioner and the same has been confirmed by the first Appellate Court and hence, he opposed to suspend the sentence.

3. Taking into consideration of the aforesaid submissions, this Court is of the view that the petitioner is having arguable points. Hence, the sentence passed by the trial court and confirmed by the Appellate Court is suspended and the petitioner is directed to release on bail on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties for like sum each, and that

(ii) However, the petitioner shall appear before the trial on the 1st working day of every month until the disposal of Criminal Revision Petition.

4. Call for records from both the courts below. Call on 01.04.2020.

-sd/-
02/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, HOSUR

2 THE JUDICIAL MAGISTRATE,
NO.I, HOSUR

3 THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
KRISHNAGIRI [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.

+1 C.C. to M/S.A.BALAMURUGAN Advocate on payment of necessary
charges SR.NO. 4223

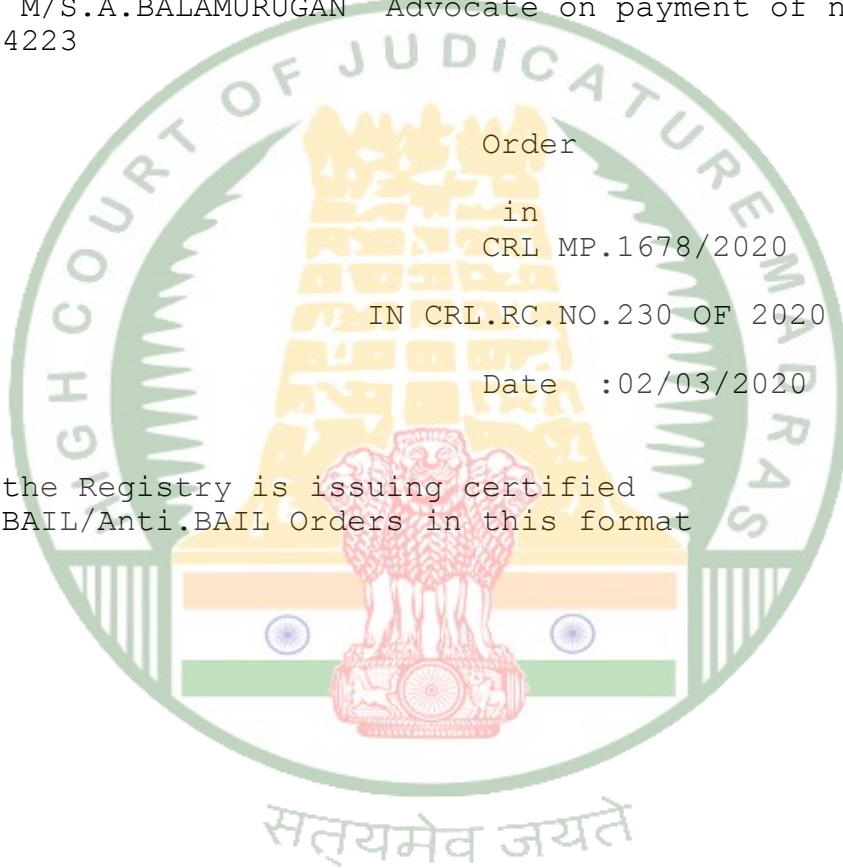
Order

in
CRL MP.1678/2020

IN CRL.RC.NO.230 OF 2020

Date :02/03/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 03/03/2020



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