

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P.No.3901 of 2020

in Crl.A.No.221 of 2020

Saravanan

... Petitioner

Vs.

The State Rep. By,
The Inspector of Police,
K-1, Sembium Police Station,
Chennai.
(Crime No.1932 of 2013)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the sentence passed in SC.No.204/2016, dated 19.03.2020 on the file of the XVII Additional Sessions Judge, City Civil and Sessions Court, Chennai and to enlarge the petitioner on bail pending disposal of the appeal.

For petitioner : Mr.A.Ashok kumar, Senior Counsel
for Mr.S.Sairaman

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This criminal miscellaneous petition has been filed praying to enlarge the petitioner/appellant on bail by suspending the sentence imposed in SC.No.204 of 2016 on the file of the learned XVII Additional Sessions Judge, City Civil and Sessions Court, Chennai pending disposal of the above appeal in Crl.A.No.221 of 2020.

2. The petitioner was convicted for the offences under Sections 306 IPC r/w. 4 & 9 Tamil Nadu Prohibition of Exorbitant Interest Act, 2003 and Section 308 IPC (2 counts) by the learned XVII Additional Sessions Judge, City Civil and Sessions Court, Chennai. The petitioner was convicted for the offence under Section 306 IPC r/w. 4 & 9 Tamil Nadu Prohibition of Exorbitant Interest Act, 2003 and sentenced to undergo rigorous imprisonment for 10 years and also imposed fine amount of Rs.10,000/-, in default of payment of fine to undergo simple imprisonment for 1 year. He was also convicted for

the offence under Section 308 IPC (2 counts) and sentenced to undergo rigorous imprisonment for 3 years for each count and fine amount of Rs.10,000/- for each count, in default, 6 months simple imprisonment. Aggrieved by the same, the petitioner has preferred the above appeal.

3. The learned counsel for the petitioner would submit that the petitioner had not lent any amount on interest and hence no question will arise for demanding interest. Moreover, he did not visit the residence of PW1 on 17.10.2013. He would further submit that there are lot of discrepancies in the evidence and also material contradictions in the evidence of prosecution and the prosecution evidence is also highly unbelievable.

4. Heard, Mr.A.Ashokkumar, Senior Counsel for Mr.S.Sairaman, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

5. Having regard the fact that there are arguable points involved in the appeal and also considering the period of incarceration already suffered by the petitioner and the appeal is not likely to be taken up for final hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court.

6. Accordingly, the sentence of imprisonment imposed by the trial court alone is suspended and the petitioner is directed to be enlarged on bail on the following conditions.

(i) the petitioner shall pay the fine amount imposed by the Trial Court within a period of two weeks from the date on which he comes out of the prison, failing which, the suspension of sentence ordered automatically shall stand cancelled and the respondent is directed to secure the accused and proceed in accordance with law.

(ii) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the concerned prison.

(iii) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 17.07.2020, failing which the order passed by this Court shall stand dismissed.

(iv) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(v) the petitioner shall report before the respondent daily at 10.30 a.m., pending disposal of the criminal appeal.

-sd/-
02/07/2020

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 XVII ADDITIONAL SESSIONS JUDGE,
CITY CIVIL AND SESSIONS COURT, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-1, SEMBIUM POLICE STATION,
CHENNAI.

C.C. to M/S. S.SAIRAMAN Advocate on payment of necessary charges

Order

in
CRL MP.3901/2020
in CRL.A.No.221/2020

Date :02/07/2020

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TA-06/08/2020